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Combating heretics in civil war and
interregnum England,
1642-1657: parliamentary responses
to heresy

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DOCTORATE OF PHILOSOPHY

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**Combating heretics in civil war and interregnum England,
1642-1657: parliamentary responses to heresy**



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Abstract

Puritans entered a novel position of power in the early 1640s. Their attempts to ‘combat’ heretics and further reform in the 1640s/50s were impeded by the dismantling of legal and ecclesiastical apparatus previously employed against them. Influential Presbyterians and Independents in Parliament, the Westminster Assembly, and the New Model Army, were also divided over defining orthodoxy, enforced conformity to a national Church and liberty of conscience.

Chapter one addresses crucial developments in defining and punishing heresy, in the Early Church, and in England, from the first noted burning of a heretic under Henry IV up until the outbreak of Civil War. Existing fractures within Puritanism intensified as lapsed censorship produced an explosion of new or public heterodox ideas. Chapter two explores disagreements over legitimate means of reform and establishing ‘truth’, by examining the case of anti-Trinitarian Paul Best which initiated a Parliamentary Ordinance to enable execution of obstinate heretics. This legislation generated public controversy, especially in print. Chapter three addresses the significance of preaching, fasting and prayer as spiritual means to oppose heresy, and emphasis on collective national responsibility and repentance. Particular attention is paid to the Humiliation for heresy on 10 March 1647. Chapter four compares the differing political and ecclesiological contexts which produced the Heresy Ordinance and the 1650 Blasphemy Act, especially a shift from Presbyterian to Independent dominance in positions of government. The Rump settlement was predominantly shaped by a magisterial Independent vision of reform. Chapter five addresses Interregnum problems with enforcing the Blasphemy Act and upholding liberty offered in the Instrument of Government. The cases of Socinian John Biddle and Quaker James Nayler reveal fears of unrestricted definitions of heresy, and rigidly defined orthodoxy. Overall across these decades, concerns to avoid establishing precedents which could endanger the godly prevented systematic suppression of heresy and blasphemy.

Contents

List of tables and illustrations	v
Acknowledgements	vi
Abbreviations	vii-viii
Chapter One: Introduction	1-53
Chapter Two: Paul Best and reactions to heresy in the Westminster Assembly, Parliament and Press, 1642-1647	54-118
Chapter Three: Combating heresy through Preaching, Fasting and Praying in the 1640s	119-192
Chapter Four: Legislation: The 1648 Ordinance and 1650 Blasphemy Act	193-257
Chapter Five: Government, the law and liberty of conscience	258-329
Chapter Six: Conclusion	330-345
Bibliography	346-373
Appendices	374-395

List of tables and illustrations

Table 1.	134
24 printed and manuscript fast sermons against heresy	
Title page illustration.	i
Anon., <i>Dictated thoughts upon the Presbyterians late petitions for compleat and universall power (in divine ordinances) to be conferred upon the presbyters by humane authority</i> , (London: [Thomason date 14 April], 1646)	

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Abbreviations

- *A&O.I – Acts and Ordinances of the Interregnum, 1642-1660* (1911)
- *BAILLIE* – Laing, David, (ed), *Letters and Journals of Baillie, A.M, Principle of the University of Glasgow, Vol. II*, (Edinburgh: Alex Lawrie & Co, M.DCCCXLI)
- *BURTON V.1* – Rutt, John Towill, (ed.), *Diary of Thomas Burton Esq. member in the parliaments of Oliver and Richard Cromwell, from 1656 to 1659... with an Introduction containing an account of the parliament of 1654; From the Journal of Guibon Goddard, Esq. M.P. VOLUME 1*, (London: Henry Colburn, 1828)
- *BURTON V.4* – *Diary of Thomas Burton esq, volume 4: March - April 1659* (1828)

NOTE: Commons Journals were accessed via British History Online, [Accessed October 2010 – March 2015], and thus are referenced by date and not by page number:

- *CJ V.1 – Journal of the House of Commons: volume 1: 1547-1629*, (1802)
- *CJ V.4 – Journal of the House of Commons: volume 4: 1644-1646* (1802)
- *CJ V.5 – Journal of the House of Commons: volume 5: 1646-1648* (1802)
- *CJ V.6 – Journal of the House of Commons: volume 6: 1648-1651* (1802)
- *CJ V.7 – Journal of the House of Commons: volume 7: 1651-1660* (1802)

- *EEBO* – Early English Books Online
- *JOSSELIN* – Macfarlane, Alan, (ed.), *The Diary of Ralph Josselin, 1616-1683*, (Oxford: Oxford University Press, 1991)
– NOTE – Week days for the diary are taken from the online edition of Josselin’s *Diary: The Earls Colne Project Online*
- *1611 KJB – 1611 King James Bible Online*
- *LEY’S COMMONPLACE BK* – MS.1952.003, Ms. commonplace book of Roger Ley curate of St. Leonard’s, Shoreditch, William Andrews Clark Memorial Library, UCLA

NOTE: Lords Journals were accessed via British History Online, [Accessed October 2010 – March 2015], and thus are referenced by date and not by page number:

- *LJ V.2 – Journal of the House of Lords: volume 2: 1578-1614*, (1767-1830)
- *LJ V.7 – Journal of the House of Lords: volume 7: 1644-1645*, (1767-1830)
- *LJ V.8 – Journal of the House of Lords: volume 8: 1645-1647* (1767-1830)
- *LJ V.9 – Journal of the House of Lords: volume 9: 1646* (1767-1830)
- *LJ V.10 – Journal of the House of Lords: volume 10: 1648-1649* (1767-1830)
- *MINUTES VOL. I* – Van Dixhoorn, Chad, *The Minutes and Papers of the Westminster Assembly 1643-1652, Volume I: Introduction*, (Oxford: Oxford University Press, 2012)

- *MINUTES VOL. II* – Van Dixhoorn, Chad, *The Minutes and Papers of the Westminster Assembly 1643-1652, Volume II: Minutes, Sessions 45–119, 155–198 (1643-1644)*, (Oxford: Oxford University Press, 2012)
- *MINUTES VOL. III* – Van Dixhoorn, Chad, *The Minutes and Papers of the Westminster Assembly 1643-1652, Volume III: Minutes, Sessions 199–603(1644-1646)*, (Oxford: Oxford University Press, 2012)
- *MINUTES VOL. IV* – Van Dixhoorn, Chad, *The Minutes and Papers of the Westminster Assembly 1643-1652, Volume IV: Minutes, Sessions 604–900 (1646-1652)*, (Oxford: Oxford University Press, 2012)
- *ODNB* – Oxford Dictionary of National Biography online
- *WALLINGTON* – Wallington, Nehemiah, quoted in Booy, David, (ed.), *The Notebooks of Nehemiah Wallington, 1618-1654: a selection*, (Aldershot: Ashgate Publishing Limited, 2007)

Chapter One

Introduction

Though you meet with many difficulties, and great opposition of crafty, subtle, fierce, and cruell enemies, yet be not discouraged; but perswade your selves, that these are the dayes of the devills rage, who hath great wrath, because he knoweth that he hat[h] but a short time. While he fights against you in the forme of a great red Dragon, with all the power of the beast, and assailes you openly on all sides, with all the forces of the Romish *Antichrist*, raised up at home, and from abroad; he sends in among us grievous Wolves in sheeps cloathing...¹

This thesis presents an examination of attempts to both define and combat heresy in 1640s and 1650s England. Whilst for comparative purposes Royalist responses to ‘heresy’ would be interesting and insightful, for the sake of focus and brevity, this study concerns itself solely with the problems heresy posed for Parliamentarians. More specifically, with the problems presented to Puritans when they found themselves in a position of power and authority. During these two decades Puritans were for the first time in a strong position to shape the orthodoxy of the national church, and debates over defining and punishing heresy went hand in hand with the efforts they made to do so. Efforts to suppress heretics were hindered by the chaos of civil war and the gradual dismantlement of disciplinary apparatus previously employed against the heterodox. Furthermore, tensions within Puritanism itself also generated multifarious ideas and visions for the reform and future

¹ Walker, George, *A sermon preached before the honourable House of Commons at their late solemne monethly fast Januarie 29th, 1644*, (1645), p. 18

shape of the English Church. Puritans were divided over not only theology and ecclesiology, but also over the legitimacy of pressure for varying degrees of liberty of conscience on the one hand, and the employment of magisterial coercion to bring people to accept religious ‘truth’ on the other. The Scriptures, and their interpretation, were of paramount importance to all of these debates. The following chapters assess the attempts of Puritans in Parliament to oppose heretics, predominantly through legislation, preaching, and the castigation of high-profile offenders.

It must be noted that this study of opposition to intra-Protestant heretics has to be located within the broader European context of the Catholic/Protestant disputes stemming from the early sixteenth century Reformation. To Roman Catholics anyone not encompassed by the mother Church was destined for damnation, and any who dissented from its creeds, traditions and authority were heretics and schismatics. Protestants argued that the Roman Church had lost its way; they were the true heirs of the apostles’ teachings and were returning to the primitive beliefs and practices of the Early Church. By asserting that *Sola Scriptura* had authority to determine doctrine and practice, Protestant leaders were faced with a dilemma, as their Catholic adversaries were quick to point out. If Protestants disagreed that the Church had precedence over and authority to interpret Scripture, bestowed by the Holy Spirit who resided within a council of bishops and the Pope, and if they denied an authoritative unwritten tradition passed down from the Apostles, how could truth be correctly surmised and interpretative plurality and division be avoided?² This problem was compounded by the growing plethora of interpretations of the Patristic writings, to which both Protestants and Catholics appealed for doctrinal and

² McGrath, Alister, E., *Historical Theology An Introduction to the History of Christian Thought, Second Edition*, (Chichester: Wiley-Blackwell, 2013), pp. 148-149; MacCulloch, Diarmaid, *Reformation: Europe’s House Divided 1490-1700*, (London: Penguin Books, 2004), p. 235

practical guidance.³ It could be suggested (at the risk of appearing simplistic) that it is this issue of authority of interpreters and interpretation of Scripture that underlies the whole Christian debate over heresy. Intra-Protestant disputes over this issue are discussed in chapter two.

Within that loose amalgamation termed Protestantism was a broad spectrum of theological and ecclesiological opinion, where competing ideological factions struggled to gain a hegemonic influence and the authority bestowed by the status of orthodoxy. Within England, even after schism from Rome (1533/1534), this status was fiercely maintained to belong to, and to be conditional upon membership of, the English Church. In practice, as the theology and canon law of the English Church was reformed piecemeal and these, along with the relationship between church and state, were subject to change with each new monarch, orthodoxy was mutable.⁴ Early Modern discourse (following a much older tradition) identified heresy as the product of a subtle and potentially devastating attack, by the combined forces of Satan and his adherents against Christian truth. It was perceived to be a spiritual contagion undermining the Church from within; those infected by errors were usually seen as belonging to two groups, seducers and seduced. Attempts to suppress heresy were therefore two-pronged: refutation and prohibition of heretical ideas; and identification and punishment of propagators of heresy. Theoretically what could be identified could also be avoided. Thus the acts of defining, preaching, publishing, and legislating against heretics were intended, in addition to preserving truth and the purity of the Church, to serve the pastoral function of protecting and reclaiming people from seductive false prophets and doctrines leading to damnation. This language of rigid

³ The quandary over Scriptural interpretation had in fact been recognized during the Patristic period itself. See: 'Vincent of Lerins: The Rule of Doctrine and Development, 434,' in Stevenson, J., (ed.), revised by Frend, W.H.C., *Creeds, Councils and Controversies, Documents illustrating the history of the Church AD 337-461*, (London: SPCK, 1989), pp. 323-324; for example Roman Catholics and Reformers claimed affinity with Augustine with very different conclusions, MacCulloch, *Reformation*, pp. 107-111

⁴ Anglican canon law was not fully revised in fact until the 1960s. See: Bray, Gerald, *The Anglican Canons*, (Woodbridge: The Boydell Press, 1998), p. xxix

dichotomy reflected attempts to demarcate the boundaries of religious identities which in reality, and subsequently the cause of deep-rooted anxiety, were actually blurred. As heresy was presented as an opposition to truth, understood to be conveyed by the dominant teachings and practices of the church – more properly referred to as ‘orthodoxy’ – the two concepts were interdependent and definitions of one impacted with gravity upon the other.

It appears that by the beginning of the seventeenth century there had emerged a loose and Reformed consensus in the English Church, (although this was challenged from above by Charles I and Archbishop William Laud in the 1620s and 1630s).⁵ Puritans mostly agreed that before the Laudian ‘innovations’ although perhaps not fully spelled out, doctrine within the English Church was effectively reformed, whilst government and discipline needed further modification. The 1640s and 1650s were a distinctive period of English history; Puritans assumed power, and the institutions of both the monarchical state and the national church were shaken up by civil war and revolutionary initiatives. Censorship collapsed (1641-2), Episcopacy was dismantled, (October 1646), Charles I executed (January 1649), the House of Lords abolished (March 1649), and compulsory church attendance was ended (September 1650). As Michael Braddick states, enforcing religious orthodoxy involved maintaining discipline over the clergy through controlling appointments and the messages that were preached, and over the laity through church attendance and preventing religious activity outside of the church.⁶ As it was those very means which were dismantled, an unprecedented level of variance within Protestant expression and practice was enabled, and resulted in the competing claims of multiple congregations to ‘orthodox’ status. This inevitably challenged traditional notions of what ‘orthodoxy’ actually was.

⁵ Como, David, ‘Puritans, Predestination and the Construction of Orthodoxy in Early Seventeenth-Century England’ in Lake, & Questier, (eds), *Conformity and Orthodoxy*, p. 65; Lake, Peter, ‘Calvinism and the English Church 1570-1635’, *Past and Present*, 114 (1): (1987), pp. 32-76

⁶ Braddick, Michael, J., *State Formation in Early Modern England c. 1550-1700*, (Cambridge: The University Press, 2000), p. 294

An unprecedented number of printed works, including polemical and radically heterodox teachings were issued unmediated into the hands of the public. Heterodox ideas were further spread by the preaching of both educated ministers and unlicensed laymen or ‘mechanicks’. In response, streams of virulent pamphlets entered the market vilifying as heretics and sectarians the host of radical and separatist persons and arguments that now appeared.⁷ The public surge of religious ideas and teaching that opposed Reformed orthodoxy during this period provoked deep hostility and disquiet. Previous methods for suppressing identified heretics were proved inadequate or impossible and this in itself fed anxiety over defining and defending the unstable and threatened boundaries of orthodoxy. Mid-seventeenth century events and attitudes complicated classification and suppression of heresy, and it was the efforts made to effectively do so in these uncharted waters, that provides the focus for the following chapters.

This thesis is structured around a number of case study chapters that focus on predominantly magisterial and ministerial responses to heretics: chapter two looks at how the well-publicised case of Paul Best drew attention in 1645 to issues related to defining orthodoxy and establishing a lawful procedure for punishing heretics, and how reactions to his case in the press fed into debates over liberty of conscience and the power civil authorities had over religion; chapter three looks at the employment of prayer, preaching and fasting on national days of humiliation as spiritual exercises to combat heresy and blasphemy, particularly the appointment of a specific fast day for heresy on 10 March 1647; chapter four looks at the political and Parliamentary processes for drawing up an Ordinance against heresy and blasphemy in 1648, and an Act against blasphemy in 1650, and the ideological changes from a Presbyterian to a Congregational-dominated Parliament

⁷ Peacey, Jason, *Politicians and Pamphleteers, Propaganda During the English Civil Wars and Interregnum*, (Aldershot: Ashgate Publishing Limited, 2004); Raymond, Joad, *Pamphlets and Pamphleteering in Early Modern Britain*, (Cambridge: Cambridge University Press, 2003)

reflected in this legislation; chapter five looks at the attempts of Parliament and Oliver Cromwell, from 1649 into the mid-1650s, to balance restricting heresies and blasphemies with protecting the liberty of the saints and the disagreements and difficulties that arose from this endeavour. The troublesome cases of John Biddle and James Nayler highlighted the shortcomings of existing legislation against heterodoxy.

I had originally intended to devote a chapter to the employment of popular print against heretics and heretical ideas; however it became quickly apparent that this, and the concomitant public engagement in print with controversies attending attempts to define and respond to heretics, was a significant thread throughout all my chapters. Furthermore, as there has been excellent recent research conducted on print and heterodoxy and my own research had shifted towards a focus on Parliamentary measures against heresy, this chapter was dropped.⁸

A variety of primary sources have been drawn upon, including: the Journals of the House of Lords and Commons; Van Dixhoorn's transcript of the Minutes of the Westminster Assembly; both manuscript and printed transcript diaries; printed transcripts of letters; manuscript sermon notes; printed sermons; printed books and pamphlets; printed Parliamentary newsbooks; and calendars of Quarter and Assize Sessions records. Issues with some of these sources include the incompleteness of the records, the vast quantity of available material to sift through, and assessing the reliability of content often printed for polemical purposes. These problems are raised in more detail with discussion of sources in the relevant following chapters.

This first introductory chapter is divided into two sections: the first focusses on the historical context for defining and combating heresy which extends back beyond the

⁸ For example, see: Hughes, Ann, *Gangraena and the struggle for the English Revolution*, (Oxford: Oxford University Press, 2004); Loewenstein, David, & Marshall, John, (eds.), *Heresy, Literature, and Politics in Early Modern English Culture*, (Cambridge: Cambridge University Press, 2006); Peters, Kate, *Print culture and the early Quakers*, (Cambridge: Cambridge University Press, 2005)

advent of Christianity to Old Testament Judaism. This introduces the legislative, ecclesiastical and traditional development of methods for dealing with heretics, first in the Early Church, and then in England from the late fourteenth century up until the end of Elizabeth's reign, which informed and contributed to the Puritan dilemmas of the mid-seventeenth century. The second continues by looking at the historiography which this study builds on, specifically works relating to defining heresy and orthodoxy, Puritan tensions (from the late sixteenth century to the 1630s), and the specific problems for Puritans attempting to construct orthodoxy and oppose heresy in the 1640s and 1650s.

Precedents for defining and punishing heretics

We will now turn to the precedents for defining and attempting to eliminate heresy in the Early Church and in England; these are of vital significance to the 1640s and 1650s and they informed the mid-seventeenth century understanding of what heresy was and how to deal with it. Both the Early Church and early Reformation periods encompassed extensive debates over the margins of orthodoxy. Puritans appealed to the authority of Early Church practice and doctrine as well as to English tradition in their debates over definitions, and the power of magistrates to punish heresy; these contexts are thus essential for understanding responses to heresy in the mid-seventeenth century.

Within the Judaeo-Christian tradition the concept of heresy or concern with protection against corrupt teachings, has its roots in the Old Testament warnings against false prophets amongst Israelites – who, it is stated in Deuteronomy will be made known

by the failure of their prophecies to materialise.⁹ Alongside this notion of false internal prophesying, were the more obvious threats posed by external false prophets – those of other nations and their religions and gods, condemned as human inventions or ‘idolatries’ in the Decalogue. Another infraction (of great significance in the Early Modern period) was blasphemy (Exodus 20:7 ‘Thou shalt not take the Name of the Lord thy God in vaine...’)¹⁰ Warnings against false prophets and concern with preserving correct teaching about God and the ways in which he wanted to be loved, served and worshipped, and commanded his followers to love and serve one another and the world around them, are continued in the Christian New Testament. And in this context, the word heresy, from the Greek haeresis, came to be associated not only with varying traditions of thought within Judaism, but also and ‘sometimes without pejorative implications, for **choice** of religious affiliation or sect.’ Within the New Testament writings of Paul and Peter, it often took on the meaning of false teachings, controverting the truth of the Gospel as taught by Christ Jesus and the Apostles and infiltrating the Church.¹¹ For example 2 Peter 2:1 clearly illustrates this sense, and the connection with false prophets.¹² More explicitly, these apostolic warnings cautioned that such ‘teachers’ and ‘prophets’ would deceptively claim to be followers of Christ whilst contradicting and/or undermining his truth, and leading unwary and susceptible Christians astray, and thus damaging or destroying their faith.¹³

⁹ Deuteronomy 18:22 ‘When a prophet speaketh in the name of the Lord, if the thing follow not, nor come to passe, that is the thing which the Lord hath not spoken, ...’ From *1611 KJB*; interestingly this is referred to by Edward Wightman, who was burned for heresy in 1612, as proof of his own prophetic ability, see: Atherton, Ian & Como, David, ‘The Burning of Edward Wightman: Puritanism, Prelacy and the Politics of Heresy in Early Modern England’, *English Historical Review*, Vol. CXX, No. 489, (2005), p. 1235

¹⁰ *1611 KJB*

¹¹ (My emphasis.) McGrade, Arthur, Stephen, ‘The Medieval idea of Heresy: What are we to make of it?’ in Biller, Peter, & Dobson, Barrie, (eds.), *The Medieval Church: Universities, Heresy, and the Religious Life, Essays in Honour of Gordon Leff*, (Suffolk: The Boydell Press, 1999), p. 116

¹² This passage is referenced ‘in the first-century martyr Ignatius, bishop of Antioch, and later in influential treatises against a great variety of heresies by authors such as Irenaeus of Lyons, Hippolytus of Rome, and Epiphanius, bishop of Salamis.’ McGrade, ‘The Medieval idea of Heresy’, p. 117

¹³ These New Testament images were replicated in discourse concerning heresies down the ages, see: Stevenson, *Creeeds, Councils and Controversies*; ‘The Constitution of Tho. Arundel against the followers of

(For appeals to Old Testament and apostolic texts, and Early Church interpretations of them see chapters two and three.)

For the heirs of the Apostles in the Early Church, this preoccupation increased with divergent attempts to interpret the New Testament writings alongside the Old Testament, and within the contexts of both evangelical Christianity (spreading across Europe, Asia, Africa, the Mediterranean and the Middle East) and the specific problems that arose from the understanding, practice and organizing of Christianity within varying cultures and under alternating periods of persecution.¹⁴ Constantine, who famously adopted Christianity, was proclaimed western Emperor in 306, and his protection and promotion began the gradual adoption of Christianity as the ‘sole official religion’ of the Empire on 27 February 380.¹⁵ Cessation of persecution however led to an increase in theological rumination and disagreement over true teachings; the fourth and fifth century contentions over the Trinity and the separation of the Donatists over church purity were debates that were resurrected in the Reformation and post-Reformation periods.¹⁶ This was a crucial, and yet complex period for Protestants appealing to history to establish their orthodox doctrinal credentials, for in this early period it proved impossible to achieve consensus over a right, or sole understanding of the Holy Scriptures, leading to arguments and division amongst both bishops and laity.

The ‘solution’ developed for the problem of disunity and internecine conflict over scriptural meaning which threatened (the eventually dominant) understanding of essential Christian truths, was to convene the bishops in council and draw up a statement describing essential doctrines. All professing Christians had to subscribe or face excommunication

Gods truth’, in Foxe, John, *The Unabridged Acts and Monuments Online or TAMO (1570 edition)* (Sheffield: HRI Online Publications, 2011)

¹⁴ MacCulloch, Diarmaid, *A History of Christianity*, (London: Penguin Books, 2010), Part II, pp. 77-222

¹⁵ *Ibid.*, p. 189; Bray, *The Anglican Canons 1529-1947*, p. xxiv

¹⁶ McGrath, *Historical Theology*, pp. 20-21; for complaints see ‘How the Goths became Arians: Theodoret’, pp. 77-78; Part 8 ‘Further Doctrinal Disputes in the East’, pp. 79-94; on Donatism, pp. 216-226, in Stevenson, *Creeeds, Councils and Controversies*

and exile.¹⁷ The creeds drawn up at the seven ecumenical councils responded to specific disputes, and in particular those first four at Nicea, 325, Constantinople I, 381, Ephesus, 431, and Chalcedon, 451 were of great significance in my period.¹⁸ These were generally considered by Protestants to set out the basic outline of orthodoxy, dissent from which was considered serious heresy. Stern measures against heretics continued to stack up. An Imperial edict of 380 pronouncing the official and compulsory status of Christianity ordered that the name Catholic Christian was to be embraced, and all who rejected it were adjudged ‘demented and insane’, sustaining ‘the infamy of heretical dogmas’. Their meeting places were not to be named churches, and they would suffer ‘the retribution of Our own initiative, which we shall assume in accordance with divine judgement.’¹⁹ Civil punishments recorded in 392 for ordaining someone or being ordained whilst retaining ‘heretical errors’ or permitting such ordination upon one’s land, included heavy fines, or in cases of poverty public scourging and exile.²⁰

In an admittedly unusual case of 385, Priscillian, a man denounced for heresy appealed to be tried by the Emperor rather than the bishops; he was tried and found guilty of magic arts by two assemblies, and subsequently the Emperor ‘decreed that Priscillian and his friends be put to death’.²¹ Whilst the sources must be approached with some caution, it is interesting in the light of later concerns in the 1640s and 1650s about executing heretics for belief alone, that Priscillian was reported to have confessed giving ‘himself up to lewd doctrines’, nude prayer, and nocturnal ‘gatherings of vile women’.

¹⁷ For the introduction of councils and powers of the bishops see, MacCulloch, *A History of Christianity*, pp. 127-130, 211-212

¹⁸ Responding to doctrinal challenges, these were intended primarily to establish and defend the orthodoxy of doctrines related to the Trinity, and dual natures of Christ.

¹⁹ ‘An Edict on the Profession of the Catholic faith, 380: *Codex Theodosianus*’, in Stevenson, *Creeds, Councils and Controversies*, p. 150

²⁰ ‘The punishment of Heretics, 392: *Codex Theodosianus*’, in Stevenson, *Creeds, Councils and Controversies*, p. 152

²¹ ‘The Execution of Priscillian and his Friends, 385: Sulpicus Severus’, in Stevenson, *Creeds, Councils and Controversies*, pp. 160-162

Alarmed reports claimed Priscillian was revered by his followers as a martyr and that his heresy multiplied even fifteen years after his death. Priscillian's followers are described in Severus' Chronicle as being corruptors of everything 'through their hatred, partiality, fear, faithlessness, envy, factiousness, lust, avarice, pride, sleepiness and inactivity', and as a large number obstinately opposing the wise counsel of a few, exposing 'the people of God' to 'mockery and insult'.²² Many of these characteristics will be seen to re-appear in later heretical stereotypes where the link between heresy and immoral and irreligious behaviour was emphasised strongly.

How to define and punish heresy were contentious and symbiotic issues; was persuasion the limit, or should the civil sword be employed when this failed? There was an increasing tendency for clerics to appeal to the Emperor for support in doctrinal disputes, and to justify the employment of Imperial legislation and enforcement of conformity. By the Middle Ages the ecclesiastical power balance had shifted, as the increasing prominence of the See of Rome led to its eleventh century bishop appropriating the title of Christ's vicar on earth. Thence the Pope wielded great authority in determining matters of doctrine as head of the whole Church.²³ John Coffey writes that in 'the first Christian millennium, the execution of heretics appears to have been rare indeed', and that when Priscillian and his followers were burned for heresy, bishops like Ambrose condemned the action.²⁴ It is apparent that systematic imposition of the death penalty did not become common, as Coffey notes until the eleventh century, whereupon capital punishment became widespread in response to heretical movements from the twelfth century onwards such as the Waldensians in Italy, the Cathars in France, and to an extent the Lollards in England (see

²² *Ibid.*, pp. 160-162

²³ MacCulloch, *Reformation*, pp. 134-5, 293-4, 375

²⁴ Coffey, John, *Persecution and Toleration in Protestant England, 1558-1689*, (Harlow: Pearson Education Limited, 2000), p. 23

below).²⁵ Coercive practices and capital punishment were however contentious, and initially opposed even by the famed father, Augustine of Hippo, who came to argue for the legitimacy of coercion (though not execution), in bringing erring people back into the Catholic fold and agreement with ‘orthodoxy’ as defined by the creeds. Augustine’s original opinion that ‘no one should be coerced into the unity of Christ, that we must act only by words, fight only by arguments, and prevail by force of reason, lest we should have as fake Catholics those whom we had known as open heretics’, was overcome not by ‘words’ but by ‘conclusive instances’, such as the case of his own town which was corrupted by Donatism, and brought into unity ‘by fear of the Imperial edicts’.²⁶ This dilemma was not peculiar to Augustine’s time, and particularly resurfaced in the sixteenth and seventeenth centuries. On the one hand, as Coffey points out, ‘magisterial Reformers themselves fully embraced Augustine’s vision of the coercive role of the magistrate’ which would serve as a medicinal cure for soul-destroying error.²⁷ On the other hand, the prospect of undetectable outwardly conforming heretics and Catholics resulting from coercion was an alarming spectre. As we later see, a vocal minority of Protestants in the mid-seventeenth century identified ‘persecution’ itself with the spirit of anti-Christ. Augustine was of great significance to the Reformers, and his theology highly influential, particularly his soteriology of salvation by faith and by God’s grace alone, which they restated. By citing Augustinian theology as a source for their teachings, they laid claim to a renowned early Christian father whose authority was acknowledged by the Roman Catholic Church (although Rome emphasized different parts of his writings).²⁸ The ‘theory and practice of

²⁵ Coffey cites the burning of 14 people at Orleans in 1022 as the next recorded case of execution of heretics in Western Europe, see *Ibid.*, p. 23

²⁶ ‘Augustine on Repressive legislation, 408: Augustine’, in Stevenson, *Creeds, Councils and Controversies*, pp. 220-221

²⁷ Coffey, *Persecution and Toleration*, p. 23; for Augustine’s influence see also, Walsham, Alexandra, *Charitable Hatred: Tolerance and intolerance in England, 1500-1700*, (Manchester: Manchester University Press, 2006), p. 2

²⁸ MacCulloch, *Reformation*, pp. 106-111

persecution' was legitimized in 1215 by the fourth Lateran Council and was also reinforced by the writings of theologians like Thomas Aquinas, who argued heretics deserved death.²⁹

Moving to an English context I want to give an overview of how attempts to eradicate (or perhaps more accurately, suppress) heresy shifted from the late Medieval period when the Papacy was the highest point of ecclesiastical appeal, to the Civil War period when much of the disciplinary apparatus had been dismantled. This overview is intended to draw out the significance of those changes and how that impacted on attempts in the 1640s and 1650s to combat heretics effectively. Up until Elizabeth's reign (excepting rule under Edward VI), the legislation and disciplinary procedures against heretics had nearly all been drawn up and employed against Lollards and early Reformers who Protestants recognized as their persecuted predecessors in the cause of truth; they were thus largely associated in the Protestant mind with the tyranny of a false persecuting church.

The intransigent – and vocal – heresy of John Wyclif (leading scholar at Oxford University), was apparently a novel problem for late fourteenth century English ecclesiastical authorities. Peter McNiven argues that prior to Wyclif and his 'disciples', the English ecclesiastical authorities had only had to deal with isolated heretics, against whom the threat of excommunication was usually a sufficient sanction to enforce 'at least the outward conformity of all but the hardest few'.³⁰ This is in obvious contrast to the heretical movements already faced by Medieval Catholic authorities on the continent. Seventeenth century lawyer Matthew Hale also asserted that the practice of sentencing contumacious or relapsed heretics to death did not appear to have been imposed before

²⁹ Coffey, *Persecution and Toleration*, p. 23

³⁰ McNiven, Peter, *Heresy and Politics in the reign of Henry IV The Burning of John Badby*, (Woodbridge, Suffolk: The Boydell Press, 1987), p. 36

Henry IV's reign in Britain, which maintained its own tradition. Instead common punishments were imprisonment, forfeiture, and in ancient times, exile and stigmatisation.³¹ An 'academically esteemed English theologian' like Wyclif who inspired dissent and maintained 'subversive' opinions against the 'established wisdom of the Church', necessitated 'a new and more decisive approach.' According to McNiven, the role civil authorities played in suppressing heretics was already recognised, and the few thirteenth-century cases indicated an ecclesiastical wariness of imposing disciplinary action stronger than excommunication without civil sanction or involvement; secular authorities imposed imprisonment and forfeiture.³²

Before 1382 this ecclesiastical-lay cooperation was dictated by the royal writ *De excommunicato capiendo*, which, when a person was excommunicated in an ecclesiastical court for heresy, could be obtained by the bishop to instruct the local sheriff to imprison the offender until they were reconciled with the Church.³³ However the accused was allowed forty days to choose reconciliation before a writ was applied for; in theory so that fear of permanent excommunication would bring a person back in line leaving civil punishment as a last resort. This measure had little effect however on itinerants who could simply move on from the diocese where they committed the offence. Furthermore as Alexandra Walsham points out, when there was a sustained rejection of the authority of the Catholic Church and the legitimacy of its doctrines and sanctions, excommunication was not a sufficient threat to induce conformity.³⁴ The process was thus persuasion, excommunication, and then imprisonment or other civil action; although what these stages entailed varied over time, this pattern endured up until outbreak of civil war in the 1640s.

³¹ Hale, Matthew Sir, *Historia Placitorum Coronae: The History of the Pleas of the Crown... Vol. 1*, (Clark, New Jersey: The Lawbook Exchange, LTD, 2009), p. 395

³² *Ibid.*, p. 36

³³ *Ibid.*, p. 36

³⁴ Walsham, *Charitable Hatred*, p. 74

In order to provide greater ecclesiastical power against heretics, Archbishop Courtenay secured Parliamentary legislation in the session of 1382.³⁵ Bishops were empowered to commission local law enforcers to arrest and imprison those affecting holiness, preaching without licence, and causing discord and dissension in the temporal and spiritual realms, until offenders justified themselves “according to reason and ecclesiastical law”. The accused could appeal to the King’s Council; however the initiative to take punitive action against dispensers of heresy now lay with the bishops, cutting out a lengthy process of waiting upon the Court of Chancery for a writ.³⁶ The accumulation of Episcopal authority was to become a bone of contention with the Reformation, and this particular legislation was repealed under Edward VI, reinstated by Mary I, and finally revoked by Elizabeth I.

Anxieties over public Lollard activities and challenges came to a head in February 1401 over the case of William Sawtre, a parish chaplain, who had continued to promulgate heterodox opinions after recanting in 1399.³⁷ Legislation was consequently passed in March at the 1401 Canterbury Convocation which sanctioned capital punishment for heresy, thus as McNiven argues, explicitly recognizing heresy as a crime against the State in addition to the Church.³⁸ The *De Haeretico Comburendo*, or 2 Henry IV cap. 15, was passed 10 March 1401 and targeted dissemination of heresy through books, preaching, unauthorised schooling, conventicles, and penalised any religious activity unsanctioned by the ecclesiastical authorities. Under diocesan authority, for a first offence a convicted heretic could be imprisoned or fined, for a period and amount at a bishop’s discretion. For

³⁵ This was prompted by Wyclif’s teachings, which were (not wholly fairly) blamed for the itinerant preaching inciting the Peasant’s Revolt (June 1381). McNiven, *Heresy and Politics*, p. 30-31

³⁶ That it was the Court of Chancery that issued the writ is indicated in: Coventry, Thomas, & Hughes, Samuel, *An Analytical Digested Index to the Common Law Reports: From the Time of Henry III, Vol. 1 of 2*, (E-Book: Philadelphia: R. H. Small, 1832), p. 646

³⁷ McNiven, *Heresy and Politics*, pp. 79-80; in May 1400, (except parish priests in their own churches), preaching without Episcopal licence was prohibited. *Ibid.*, p. 78

³⁸ The death penalty for heresy had been unsuccessfully urged in 1397, *Ibid.*, pp. 60, 89, 87

a second offence or refusal to abjure, relapsed or obdurate heretics were to be sentenced and publicly burned by the local secular authorities, as ‘a terrour unto others, that the lyke wicked doctrines, and hereticall opinions, or the authors and favourers therof, be no more maintayned within thys realme & dominions’.³⁹ Although it was clearly aimed at Wycliffite teachings, practices and literature, the *De Haeretico Comburendo* itself did not define what heresy actually was, stating only that it opposed the teachings of the Church.⁴⁰ It was exactly this kind of blanket law to which some Puritans in the 1640s and 1650s were so vehemently opposed.⁴¹

Sawtre was the first known person burned as a heretic in England; however his case is of extra significance to posterity as he was executed before the *De Haeretico Comburendo* statute was passed. Before Convocation in London, Sawtre was pronounced guilty, stripped of clerical status and excommunicated; soon after, on 26 February a royal edict ordered convicted and condemned heretics to be “burned with fire” according to “divine and human law” and “canonical institutions”. It was by the authority of this edict that the London mayor and sheriffs had Sawtre burned on 2 March.⁴² McNiven argues this sentence was questionable, as, enacting new legislation to punish heresy with burning would be unnecessary if this was already a recognised punishment; therefore Sawtre was burned without legal precedent.⁴³ McNiven suggests that Sawtre’s was intended as a ‘test case’ for dealing with a ‘relapsed and obdurate heretic’, and perhaps as a warning to others like John Purvey, a close adherent of Wyclif brought before Convocation the week of 28 February. On 2 March Sawtre was burned at Smithfield; on 5 March

³⁹ Hale, *Historia Placitorum Coronae*, p. 397; it was referred to as ‘The statute ex officio’ by John Foxe. See, ‘K. Henry. 4. Burning of I. Badby. The statute ex officio. Actes and Mon. of the church.’, Book 5, pp. 645-646 in: Foxe, *The Unabridged Acts and Monuments Online*

⁴⁰ For elaboration on this statute by Archbishop Thomas Arundell, see: ‘K. Henry. 4. Constitutions of the Archbishop against the Gospellers. Actes and Mon. of the church’, Book 5, p. 648, in: Foxe, *The Unabridged Acts and Monuments Online*

⁴¹ See chapter five

⁴² McNiven, *Heresy and Politics*, pp. 81-84, 88

⁴³ *Ibid.*, p. 89

Purvey recanted.⁴⁴ Alternatively, Joseph Tanner suggests that Sawtre's case showed that the Common Law recognised the rule of burning heretics already enshrined in Canon law, 'and therefore that a writ *de haeretico comburendo* could be issued at Common Law.'⁴⁵ This seems likely if, as it appears, there was no English precedent for burning. Hale also identified burning for heresy within the Common law tradition, where prior to Richard II, a writ was issued from the king only upon receipt of a sentence of conviction from the Archbishop in a Provincial Council; it was under this tradition that he understood Sawtre to have been sentenced. The statute which penalised stubborn heresy with burning extended this authority to try and condemn heretics to death to diocesan courts.⁴⁶

The fears and warnings against the subversive nature of Wyclif's teachings were reinforced by the subsequent heretics who went defiantly to the stake, and the Lollard rebellion against Henry V in January 1414 appeared to irrevocably prove that heresy and sedition went hand in hand (a stereotype that endured).⁴⁷ In 1414 a statute 'required all royal officials, from the chancellor down to mayors, to take an oath to eradicate heresy, while justices were to hold commissions of enquiry.'⁴⁸ To proffer further assistance Quarter Sessions courts were also empowered by the 1414 statute to receive indictments for heresy, before passing indicted persons on to bishops; this law attracted new attention in the sixteenth century (see below).⁴⁹ Norman Tanner discusses a 'concerted persecution of Lollardy' in Canterbury province led by the archbishop with trials running between September 1428 and March 1431. He attributes this campaign to increasing alarm over organised heretical activity, and to the English bishops' intention to demonstrate

⁴⁴ Ibid., pp. 90-91

⁴⁵ Tanner, Joseph. R., *Tudor Constitutional Documents, A.D. 1485-1603, With an historical commentary*, (Cambridge: Cambridge University Press, 1922), p. 95

⁴⁶ Hale, *Historia Placitorum Coronae*, pp. 395-397

⁴⁷ Instigated by the convicted and escaped heretic John Oldcastle. McNiven, p. 225

⁴⁸ Davis, John. F., *Heresy and Reformation in the South-East of England, 1520-1559: Royal Historical Society Studies in History Series, No. 34*, (London: Swift Printers LTD, 1983), p. 7

⁴⁹ Tanner, *Tudor Constitutional Documents*, p. 95

commitment to tackling heresy at ‘the forthcoming Council of Basle’.⁵⁰ For concern with an orthodox reputation abroad, see Wightman’s later case below. Three men, William White, John (or William) Waddon, and Hugh Pye were sentenced and burned as heretics.⁵¹ However, the most common punishments meted out were flogging, solemn penance, and fasting.⁵² Tanner’s investigation of the trial documentation revealed that whilst the diocesan ecclesiastical authorities instigated the campaign, secular authorities cooperated with the church and even took the initiative, arresting and imprisoning some suspects; conducting preliminary enquiries into suspicious beliefs and activities; and handing heretics over to the bishop. These actions were in accord with the April 1414 statute against Lollards, which was actually cited by the authorities.⁵³ According to John F. Davis, in the 1490s, officials whose authority extended over the whole diocese were newly empowered alongside bishops and commissaries (or inquisitors) to proceed against heretics; this resulted in an increased number of heresy trials.⁵⁴

The challenge of suppressing heresy increased with the advent of the Reformation and the English Church’s schism from Rome. As Davis points out, in order to be effective, ‘formularies of articles used in interrogation had to be sensitive to current heretical opinion’, and between 1520 and 1533 a ‘whole deluge of reforming ideas burst upon the scene in the shape of imported books from the continent.’ A list of forty-two of these new errors was consequently drawn up.⁵⁵ However, this influx of ideas (mingled in part with older Lollard thought) fed into an anticlericalism that increased with the bishops’ attempts to eradicate these heresies between 1529 and 1533. Complaints against the bishops

⁵⁰ Tanner, Norman, P., (ed.), *Heresy Trials in the Diocese of Norwich, 1428-31, Camden Fourth Series, Vol. 20*, (London: Royal Historical Society, 1977), pp. 7-8

⁵¹ *Ibid.*, pp. 29-30

⁵² *Ibid.*, pp. 22-23

⁵³ *Ibid.*, p. 10

⁵⁴ Davis, *Heresy and Reformation*, p. 6; the Court of Audience, usually presided over by the bishop, and tended unlike the Consistory Court not to be held in a fixed location, was the court most commonly used in ‘major drives against Lollardy’, *Ibid.*, p. 7

⁵⁵ *Ibid.*, p. 9

(including unfair proceedings against ‘heretics’) were presented by the Commons to Henry VIII March 1532.⁵⁶ This ‘Supplication against the Ordinaries’ resulted in the ‘Submission of the clergy’ on 15 May 1532; the king was acknowledged to be sole Head and ‘supreme legislator’ of the English Church.⁵⁷ Procedure against heretics was subsequently revised, and the power of ordinaries reduced, by imposition of a new secular law ratified by the king on 30 March 1534.⁵⁸ This legislation confirmed the 1414 statute but repealed the 1401 *De Haeretico Comburendo* statute.⁵⁹ Removal of the 1401 law removed the bishops’ independent agency to have a person convicted and imprisoned, or burnt, as a heretic without the need of a royal writ. It also extended the power given to civil authorities in the 1414 statute, increasing lay involvement and setting a Common Law precedent in cases of heresy.⁶⁰ No diocesan official could accuse a man of heresy, without lawful accusation by two lay witnesses, and granting him ‘libel of his accusers’ thus offering protection against false accusation. Ordinaries must ‘examine the accused openly,’ and if cause to convict is found, send him ‘to the next gaol’ and his examination to the sheriff and mayor. If, upon appearing at the next Quarter Sessions the accused was found guilty by twelve men, and refused to abjure within twelve days ‘he shall be burned.’ Furthermore, the statute firmly states ‘There is no heresy but to deny any of the 12 articles’ of the Apostles’ Creed, the seven sacraments, or ‘any points of the councils of Nysy or Constantyne.’⁶¹ This provided a clear legal definition of the bounds of orthodoxy in the face of evangelical errors, to enable subjects to recognize and avoid heresy, thus rectifying a noted omission in the 1401

⁵⁶ Elton, G.R., ‘The Commons’ Supplication of 1532: Parliamentary Manoeuvres in the Reign of Henry VIII’, *E.H.R.*, 1xvi, (1951), pp. 531, 521-532, cited in Davis, *Heresy and Reformation*, p. 11

⁵⁷ Elton, G. R., *England Under the Tudors*, (London: Routledge, 1991), pp. 130-131

⁵⁸ Marshall, Peter, ‘Papist as heretic: the burning of John Forest, 1538’, in *The Historical Journal*, 41, 2, (1998), p. 357

⁵⁹ Tanner, *Tudor Constitutional Documents*, p.95

⁶⁰ The earlier statute, *De excommunicato capiendo*, was still in force, and gave the accused time to consider recantation and required bishops to appeal for a writ to have heretics imprisoned.

⁶¹ Harl. MS. 2,252, f. 34 b. B. M., ‘Cap. XI.’ in ‘Henry VIII: March 1534, 26-31’, From Gairdner, James (ed.), *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 7: 1534* (1883), pp. 156-177 [*British History Online*]

statute; it also restricted what was indictable as heresy.⁶² With the exception of Mary's reign this was a trend that continued from hereon. The Apostles' Creed was re-asserted in 1537 in the *Institution of a Christian man, or Bishops' Book*, which declared that whosoever having being taught the Twelve Articles failed to 'constantly believe them... be very infidels or heretics, and members of the devil with whom they shall perpetually be damned'.⁶³ A treason act of 1534 made it a capital offence to call the king an infidel, schismatic or heretic, which removed any means of legitimately opposing the king in religious matters.⁶⁴

The idiosyncrasy of the Henrician Church summarised by Peter Marshall as "Catholicism without the pope", created problems for dealing with heresy.⁶⁵ Henry's usurpation of the role of Head of the English Church, presented an unprecedented situation whereby it became both heretical and treasonous to disagree with his definition of orthodoxy, which technically created heretics of the majority of his subjects, and all of Roman Catholic Europe. Marshall addressed this issue in his study of the Franciscan Friar John Forest, who was the only person burned as a heretic (in 1538) for denying the royal supremacy.⁶⁶ The new religious settlement was of an uncertain nature. When the authorities were presented with an obdurate, relapsed heretic in 1401 they were acting from a position of an established centuries old institution; under Henry, his assumption of the authority to impose religious policies and articles of faith was innovatory and surely to the large part of the realm – and Christian Europe – heretical in itself. Perhaps this mainly accounts for why, as Marshall points out, within months of Forest's death papalism reverted to being classified 'as a species of treason'.⁶⁷ Locating the issue of authority over

⁶² Marshall, 'Papist as heretic', 357

⁶³ *Ibid.*, p. 359

⁶⁴ *Ibid.*, p. 373

⁶⁵ *Ibid.*, p. 358

⁶⁶ *Ibid.*, pp. 361-362

⁶⁷ *Ibid.*, p. 371

the Church within the subjects' duty of loyalty to the crown was surer ground, not only in terms of legal precedent but also English anti-papal sentiment, than to be drawn into complex doctrinal wrangling over religious authority.⁶⁸

Henry initiated a number of further measures against heresy, including the Act of Six Articles, for “abolishing of diversitie of opinions” of June 1539; this ‘restated Catholic doctrine on disputed points’ including transubstantiation, and newly empowered ecclesiastical courts to initiate heresy inquisitions and trials. Many were burned at the stake in consequence.⁶⁹ Records indicate that heresy accusations increased significantly over Henry’s reign.⁷⁰ However, as Nigel Heard puts it, between 1534 and 1546 the only statement of faith produced was a conflicting ‘patchwork of doctrines’, a ‘ramshackle structure’ held together until 1547 ‘by the Henrician treason and heresy laws.’⁷¹ When looking for precedents for executing heretics in the 1640s and 1650s, Henry’s legislation was unhelpful to Puritans as it targeted Protestantism and many of those burned, like Anne Askew executed for denying transubstantiation, they identified as orthodox Protestants.

When Edward VI succeeded to the throne, one of Parliament’s first pieces of legislation was a new Treason Act, which repealed all anti-heresy, treason and censorship laws, and the 1539 Act of Six Articles.⁷² For over a year the only means to oppose heretics was a statute imposed in 1547, (the first of his reign), penalising contempt of the sacrament. This empowered Justices of the Peace to prosecute persons accused by two witnesses under oath; if convicted by a Quarter Session jury, offenders would be punished

⁶⁸ Ibid., p. 372

⁶⁹ Loewenstein, David, ‘Writing and the persecution of heretics in Henry VIII’s England: *The Examinations of Anne Askew*’ in Loewenstein, & Marshall, *Heresy, Literature, and Politics*, p. 16; this was a retreat from the Lutheran influence within the Act of Ten Articles of 1536, see: Heard, Nigel, *Edward VI and Mary: A mid-Tudor Crisis?* (London: Hodder & Stoughton, 1992), p. 68

⁷⁰ Doran, Susan, & Durston, Christopher, *Pastors and People: The Church and Religion in England, 1500-1689*, (London: Routledge 1991), p. 117

⁷¹ Heard, *A mid-Tudor Crisis?* p. 69

⁷² Ibid., p. 29

by fine and imprisonment.⁷³ Houlbrooke argues that there was no legislation to impose capital punishment for heresy under Edward VI, but two anti-Trinitarians were burned, ‘punished by commissioners appointed by the crown by virtue of a royal power to punish heretics older than the anti-Lollard legislation.’⁷⁴ Houlbrooke does not elaborate on the nature or origin of this ‘royal power’, but he most likely means the writ *De Haeretico Comburendo*. Whilst most Puritans in the 1640s and 1650s would certainly have counted anti-Trinitarians as heretics, the absence of legislation limited the usefulness of appealing to these cases for procedural guidance.

As part of the reforming impulse, under Edward attempts were made in a commission under the direction of Archbishop Cranmer, to draw up a revised body of canon law for the English Church referred to as the *Reformatio Legum Ecclesiasticarum*.⁷⁵ Aside from Gerald Bray’s extensive study, this significant endeavour appears to have received little attention, particularly in relation to heresy. Bray argues that its compilers were influenced by Medieval Canon law, and with circumspection the Henrician canons of 1535.⁷⁶ Its relationship to Protestant reform was complex, as it was undoubtedly ‘intended to form the third great pillar of the reformation, standing for church discipline alongside reformed doctrine (the articles of religion) and worship (the book of common prayer)’. Although there are clear links to the 1553 Forty-two Articles, Bray contends it is a document ‘inherently conservative (as was the legal establishment)’.⁷⁷ Although the *Reformatio* was never implemented, its section on heresy is of great interest as a point of comparison for attempts to both define and punish heresy and blasphemy in the 1640s and

⁷³ Houlbrooke, Ralph, *Church Courts and the People during the English Reformation 1520-1570*, (Oxford: Oxford University Press, 1979), p. 217-218

⁷⁴ Houlbrooke, *Church Courts*, p. 218

⁷⁵ Bray, Gerald, (ed.), *Tudor Church Reform: The Henrician Canons of 1535 and the Reformatio Legum Ecclesiasticarum*, (Woodbridge: The Boydell Press: 2000), pp. clvi-clv

⁷⁶ ‘Cases where the old canon law was deliberately altered because of a changed theological perspective resulting from the reformation are extremely rare, and even in the doctrinal titles there are often canonical precedents for what appear at first sight to be “protestant” ideas.’ See, *Ibid.*, pp. lxvi-lxvii

⁷⁷ *Ibid.*, p. lxx

1650s. The *Reformatio* defined heretics as all who received doctrine contrary ‘to what has been determined by Holy Scripture’, and who dwelled in error making no attempt ‘to be delivered from it.’ No distinction was drawn between the author of an error and someone who ‘follows and defends’ the error of another. Those who were not ‘confirmed heretics’, who did not defend error but sought truth, and once ‘fully instructed by lawful judges’ acknowledged their guilt and accepted correction, ‘ought not to be counted as heretics.’

That the only authority cited is that of Scripture suggests a strong reforming influence; the enumerated heresies included however precluded the possibility of a more flexible approach to doctrine. It also eliminated confusion over distinguishing heretics and schismatics; the latter did not differ in faith but separated themselves from the ‘common fellowship which ought to exist among Christians’. Sometimes this isolation from ‘godly doctrines and worship’ did result in heresy, thus cutting them off further from ‘fellowship of the good.’⁷⁸ Continuing, this section declared that ‘Satan, who is the chief enemy of the Christian name,’ sends pestilential heresy ‘(like weeds and tares) into the saving seed of the divine Scriptures’; these ‘fireballs’ miserably burn the church ‘as the devil daily piles up even more firewood in the shape of false opinions’. Of the ‘present plague’ of heresies, thirty-four are then listed.⁷⁹

Presented as first and ‘most frightening’, was the misreading and distortion of Scripture, to the harm of the weak and disrespect of authority, by those who ‘boast of some special spirit by which they say that everything which they teach and do is revealed to them.’ Included among the other heresies were concerns with the following: either rejection or absolute adherence to the Old Testament; the two natures of Christ; original sin, free will and justification; predestination; the state of the justified; light of nature and temporary punishments of the damned; sleep and resurrection of souls; removing

⁷⁸ Ibid., p. 187

⁷⁹ Ibid., p. 187

magistrates; sharing goods and wives; oaths; the sacraments; and Roman Catholic errors including works, masses, purgatory, denial of clerical matrimony, transubstantiation, and Papal authority. It concludes that, rather than being exhaustive, this list contained only those heresies ‘most powerfully spread throughout the church in these our times’, and warned ‘all who believe in the name of God and of our Lord Jesus Christ’ to avoid these ‘most pestilential opinions’. It demanded that governors of state and church endeavour to their utmost to totally ‘destroy and uproot these heresies out of our kingdom.’⁸⁰ There is considerable overlap between the heresies listed in the *Reformatio*, and those (briefly) outlined in the 1648 Heresy Ordinance.⁸¹ The entreaties to the laity to avoid, and to magistrates to take punitive action, also find an echo in the fast sermons discussed in chapter three which illustrates a continuity of underlying attitudes to combating heresy.

It is of further importance given the entwined nature of heresy and blasphemy, and a shift in focus from heresy to blasphemy in the 1640s and 1650s, that the *Reformatio* included a section on blasphemy.⁸² It stated:

Of all the sins which exist, none is more horrible and there is none at which our Lord God is more greatly angered, or which is burdened with greater reproach, or into which the sharp weapon of revenge more quickly plunges, than the crime of blasphemy, when either we turn against God in an attitude of supreme contempt, or we are incited against him by the burning power of anger, and spew out abuse against him or against the things which pertain to his most divine majesty.

⁸⁰ Ibid., pp. 189, 189-213

⁸¹ See chapter two

⁸² See chapters four and five

It distinguished between the two thus: ‘blasphemy hurls invectives against God out of contempt and anger, whereas heresy adopts false opinions in error, and without knowledge.’ Therefore, blasphemy was justly deserving of the same punishment ‘as that which the persistent madness of the heretics receives’, as ‘in early times’ God’s wrath was so great against blasphemy it was his will ‘for there to be a gathering of the people...that it should be stamped out by public stoning’, and he himself avenges the ‘crime of blasphemy’ by bringing ‘public disasters’ upon them.⁸³ Stoning was a punishment suggested in James Nayler’s case in 1656.⁸⁴

The *Reformatio* proposed that those ‘inculcated by accusation, inquest or evangelical denunciation’ for having ‘affirmed, defended, preached or taught some heresy’ would plead before their bishop or archbishop; the accused could be imprisoned by the bishop if they lacked guarantors to stand trial.⁸⁵ Attempts should be made by ‘men of exceptional knowledge’ to persuade those persisting in error. Both those who immediately confessed and recanted, and those who abjured following persuasion, were to undergo public penance and repudiation of their heresy where previously they disseminated it.⁸⁶ The contumacious however, would be ‘pronounced heretics by the judge’, and given sixteen days under excommunication to recant; whereupon, absolution would be offered following public penance, and an oath to publicly refute, and avoid heresy in future.⁸⁷ Of greatest interest is the punishment suggested for those who would not recant: when ‘error has penetrated so far and has put down such deep roots’ that even excommunication cannot turn the accused to the truth, and ‘when all other remedies have been exhausted he shall be turned over to the civil magistrates’, to be punished by perpetual exile, perpetual imprisonment, ‘or to be treated in some other way, at the wise discretion of the magistrate,

⁸³ Bray, *Tudor Church Reform*, p. 225

⁸⁴ See chapter five

⁸⁵ Bray, *Tudor Church Reform*, p. 215, 217; for further details of procedure, see: p. cxlvi

⁸⁶ *Ibid.*, p. 217

⁸⁷ *Ibid.*, p. 219

as shall seem most expedient for his conversion.’⁸⁸ These provisions permit less time to reconsider from a position of excommunication, but intriguingly, in limiting punishment to exile or imprisonment suggest a rejection of the death sentence.⁸⁹ This is perhaps reflective of current attitudes towards execution for heresy amongst reformers, and the impact of the memory of Protestants burned as heretics under Henry VIII.

Cranmer presented the complete *Reformatio* to the House of Lords in March 1553, where it was rejected by the Protector and duke of Northumberland, John Dudley, who Bray writes, objected to the church discipline which it would have imposed upon the laity as well as the clergy. MacCulloch argues it was rejected by Northumberland for political reasons, and opposed by Elizabeth who resisted drastic reform of the Church.⁹⁰ Bray argues that though it did not become law: ‘its importance should not be underestimated. One could almost say that it was the ghost of what might have been, which came back to haunt subsequent revisers at key moments in the history of English ecclesiastical law.’ It was presented once more to the Parliament of 1571 (and an edition by John Foxe put into print), where it was again set aside, and later editions ‘appeared in 1640 and 1641, when canon law was again in crisis.’⁹¹

The partial reforms of the sixteenth century left an ambiguous legacy for Puritan descendants of the mid-seventeenth century. The early evangelical re-interpretation of history that claimed true Christianity had survived in persecuted form since the days of the Early Church, fitted uneasily with the retained aspects of Medieval ecclesiology.

MacCulloch draws attention to the evangelical John Bale who re-presented Lollards not as

⁸⁸ *Ibid.*, p. 219

⁸⁹ Further on, confessed or convicted heretics who failed to appeal or repent and render satisfaction, were ‘blacklisted’ for contumacy, and to be permanently denied public office, offer counsel, give testimony, or make a testament. See, *Ibid.*, p. 223

⁹⁰ Bray, *Tudor Church Reform*, p. lxxiii; MacCulloch, Diarmaid, *Tudor Church Militant: Edward VI and the Protestant Reformation*, (London: Allen Lane, 1999), pp. 154, 191-195

⁹¹ Although some parts of the *Reformatio* were incorporated into the canons drafted by the bishops, and approved verbally but not signed by the queen 4 June 1571. See, Bray, *Tudor Church Reform*, pp. lxxxvii-lxxxviii; Bray, *The Anglican Canons*, pp. xli-xlii

heretics but as heroes battling with anti-Christ.⁹² This historical re-writing he states, ‘revealed a basic dilemma of the gospel of liberty’ common to all the European Reformations; if ‘history refocused the spotlight on a faithful and dissenting remnant, the Lollards, what did this say about the authority of the church structures which had persecuted them and which still remained in place in England?’⁹³ We will return to this point about reinterpreting history with the case of Paul Best in chapter two. As in the 1640s, Edward’s reforms – and the lapse in censorship and penalisation – produced popular excitement and a ‘variety of independent thought’; the development of public heterodox challenges, ‘terrified the mainstream reformers’, particularly as the connection was (rather unfairly) made between religious radicals and the uprisings of 1549.⁹⁴

In April 1549 and January 1551 two royal commissions were ‘authorized for the purpose of investigating and suppressing Anabaptists’.⁹⁵ Discipline assumed a greater emphasis, censorship of the press returned in 1551, and ‘Notoriously the regime moved from inquiries, disputations and moral pressure to staging two burnings for heresy in 1550 and 1551: Joan Bocher the alarmingly self-possessed and articulate Kentish radical’ and the Dutch emigrant George van Parris.⁹⁶ Alongside measures against heresy, in a further bid to control and impose orthodoxy, the Edwardian Parliament drew up an Act of Uniformity (January 1549) where clerical expression was restricted to conformity to a Book of Common Prayer (combining Lutheran belief and Catholic practice).⁹⁷ A second Act of Uniformity (March 1552) penalised lay recusancy with fines and imprisonment, thus claiming and exerting exclusive jurisdiction over lay thinking, through exposure to

⁹² MacCulloch, *Tudor church militant*, p. 138

⁹³ *Ibid.*, p. 149

⁹⁴ MacCullough cites Unitarianism and Free-Willers, which are listed in the *Reformatio*. See: *Ibid.*, pp. 140-141

⁹⁵ Euler, Carrie, ‘Anabaptism and anti-Anabaptism in the early English Reformation: defining Protestant heresy and orthodoxy during the reign of Edward VI’, in, Loewenstein, & Marshall, *Heresy, Literature, and Politics*, p.43

⁹⁶ MacCulloch, *Tudor Church militant*, pp. 140-141

⁹⁷ Heard, *A mid-Tudor crisis?* pp. 73-74

orthodox teaching and practice and by inhibiting lay actions. A revised and unambiguously Protestant Prayer Book was also produced. A new Treason Act (passed January 1552) prohibited the questioning of the Royal Supremacy or any of the English Church's articles of faith; consequently, challenging orthodox teachings could be proceeded against as treason rather than heresy, a secularizing trend begun under Henry, and continued also under Elizabeth, when Catholics and Puritans were punished for sedition.⁹⁸

Mary's accession resulted in the passing of two Statutes of Repeal, the first in October 1553 which abolished the religious legislation of Edward's reign, returning doctrine to that of 1547 under the Six Articles; the second in November 1554 abolished the Royal Supremacy and Henry's subsequent religious legislation, returning England to papal jurisdiction. Mary's third Parliament, December 1554–January 1555, also restored the Medieval heresy laws of 1382, 1401, and 1414 which had been rescinded during Edward's reign, initiating an inquisition that scarred Protestant memory and tainted these statutes as abhorrent instruments of persecution, emblematic of the forces of anti-Christ.⁹⁹ This restoration led on 4 February 1555 to the burning of biblical translator John Rogers the first of 274 Protestants who came to be notoriously known as the Marian martyrs.¹⁰⁰ Strengthening the heresy laws, Privy Council proclamations of 1558 threatened capital punishment to anyone found in possession of heretical or seditious literature.¹⁰¹ The powers of ecclesiastical courts which had been lessened under Henry and Edward were restored, and a campaign against heresy undertaken through 'special commissions and repeated directives to local authorities' to bring about more effective co-operation between

⁹⁸ The Forty-Two Articles formulating this orthodoxy and partly intended to combat radical belief, were drawn up but not ratified by Parliament, due to Edward's death in 1553. See: MacCulloch, *Tudor Church militant*, p. 141

⁹⁹ Brigden, Susan, *New worlds, lost worlds: The Rule of the Tudors 1485-1603*, (London: Penguin Books, 2000), p. 207

¹⁰⁰ Dickens, A. G., *The English Reformation*, (London: Fontana, 1971), p. 362; Heard, *A mid-Tudor crisis?* pp. 82-83; Dickens says 282 people, see: *The English Reformation*, p. 364

¹⁰¹ Heard, *A mid-Tudor crisis?* p. 84

the civil and ecclesiastical authorities. In those regions where royally appointed commissioners are known to have operated, such as London, Canterbury, Rochester and Norwich, persecution was most severe.¹⁰²

Elizabeth was crowned in 1558. In April 1559 her Act of Supremacy declared the queen Supreme Governor of the Church, and, repealed the Marian statutes which had reinstated papal authority and the heresy laws.¹⁰³ These heresy laws were never again resurrected. The Supremacy Act also imposed fundamental limitations upon the ecclesiastical commissioners who were to ‘adjudge no matter to be heresy except upon the authority of the canonical Scriptures, of the first four General Councils of the Church or of the English High Court of Parliament, with the assent of the clergy in Convocation.’ Under Elizabeth delineating heresy was reserved to the above authorities. Whereas Henry had demarcated heresy exclusively in the terms of the Twelve Articles, seven sacraments, and the Nicene and Constantine creeds, of Elizabeth’s authorities only the four Councils strictly defined doctrine. Correct interpretation of Scripture was a point of dispute, and to cite Parliament and Convocation’s authority implied that definitions could change; this probably partly accounts for an increasing tendency to focus on the early creeds as the fundamentals of faith, and disagreement from them as a more serious form of heresy.

The 1559 Act of Uniformity restored use of the 1552 Book of Common Prayer, and opposing or holding services that differed from it, and recusancy, were punishable by judges of Assize and municipal officers.¹⁰⁴ The court of High Commission was established 19 July 1559 at London, York and Durham with ‘wide-ranging and often indeterminate

¹⁰² Houlbrooke, *Church Courts*, p. 240

¹⁰³ On account of her sex; Governor rather than Head suggests a less absolute control of the Church than Henry’s, and the enhanced status of Parliament under Edward meant that ‘Parliament now defined certain aspects of the Queen’s legal authority over the Church.’ See: Dickens, *The English Reformation*, pp. 412-413

¹⁰⁴ Brigden, *New worlds, lost worlds*, p. 216; Dickens, p. 415

jurisdiction in ecclesiastical causes', at both diocesan and provincial level.¹⁰⁵ It acquired, in addition to overseeing clerical offences, 'jurisdiction over almost any case involving Christian morality', additionally imposing 'punishments which went far beyond the traditional sanctions of deprivation, excommunication and penance.' Letters patent of July 1559 granted the High Commission power "'to visit, reform, redress, order, correct, and amend,'" throughout England, all "'errors, heresies, crimes, abuses, offences, contempts, and enormities,'" under any spiritual or ecclesiastical jurisdiction given by any laws and statutes of the realm.¹⁰⁶ From 1591 'they were recognized by the secular courts as valid courts of law, but this merely increased the general unease, since it was not clear where the boundaries of their competence lay.'¹⁰⁷ Although the High Commission was an ecclesiastical court which meted out civil punishments, as Usher points out, it did not impose penalties greater than fines and imprisonment.¹⁰⁸ Usher claims that for offences under its recognizance the High Commission was the ecclesiastical court of highest appeal.¹⁰⁹ As it was only later in Elizabeth's reign that we see people burned for heresy, perhaps this indicates that there was not an original intention to inflict any greater punishment upon heretics than imposed by the High Commission? Or, perhaps the authority to inflict burning was reserved only to the crown?

In 1563 the Thirty-nine Articles set out the official orthodoxy of the Elizabethan Church. The papal bull of February 1570, demanding English Catholics to withdraw allegiance from the queen, and the arrival of seminary priests in the mid-1570s and Jesuits

¹⁰⁵ Ingram, Martin, 'Puritans and the Church Courts, 1560-1640', in Durston & Eales, *The Culture of English Puritanism*, p. 61

¹⁰⁶ Usher, Roland. G, *The Rise and Fall of the High Commission*, (Oxford: Clarendon Press, 1913), pp. 27-28: Usher points out that usage of the term 'High Commission' or 'High Commissioners' only became regulated after 1570, and therefore is confusing and contradictory prior to this period, see: p. 35

¹⁰⁷ Bray, *The Anglican Canons*, p. xcvi; for this increase in power see the case of Robert Cawdrey, in: Guy, John, Alexander, *The Reign of Elizabeth I: Court and Culture in the Last Decade*, (Cambridge: Cambridge University Press, 1995), pp. 131-133; Usher, *The Rise and Fall of the High Commission*, pp. 79-80

¹⁰⁸ Usher, *The Rise and Fall of the High Commission* p. 112

¹⁰⁹ *Ibid.*, pp. 104-105

from 1580, heightened political anxiety over the presence of Catholics. However, as with one exception Henry VIII had done, Elizabeth proceeded against deniers of the Supremacy and active promoters of Catholicism, as traitors and not as heretics. For non-Catholic heterodoxy, responses differed. A ‘small army’ of self-proclaimed Messiahs and prophets were punished under Elizabeth, for example in April 1561 in London, John Moore was whipped and imprisoned for claiming to be Christ, and his follower William Jeffrey likewise for claiming to be his disciple Peter.¹¹⁰ In July 1591, William Hacket an ‘illiterate pseudo-messiah’ who ‘plotted a civil and ecclesiastical coup’ to ‘save Presbyterianism in England’ was proclaimed in Cheapside by two gentleman followers, Edmund Coppinger and Henry Arthington, to be Christ returned to judge the world.¹¹¹ Keith Thomas describes their proclamation that ‘the Privy Council should be reconstituted and that the Queen had forfeited her crown’, leading to the arrest of the trio; Coppinger ‘starved himself to death in gaol, while Arthington recanted’ claiming that Hacket had seduced him with witchcraft.¹¹² Hacket furthermore claimed to have been moved by the Spirit to deface the Queen’s arms and to pierce a printed portrait of the Queen, leading to the charge that he ‘had “imagined”, and “devised” her deprivation and death “by the instigation of the Devill”’.¹¹³ He was ultimately executed for treason, not burned for heresy. Walsham’s article clearly demonstrates the attempts of prelates to associate religious radicalism with treason and insurrection as part of their attempts to discredit Puritanism and Presbyterianism.

Heresy itself clearly continued to be seen as an offence that merited death however; during the 1570s and 1580s the severest measure was inflicted and a handful of people were consigned to the flames. A correspondence in the calendar of Spanish State Papers recorded that ‘To the surprise of all the world, seeing the results it may have, the people

¹¹⁰ Thomas, Keith, *Religion and the decline of magic*, (London: Penguin Books, 1991), p. 157

¹¹¹ Ibid., p. 27; Walsham, Alexander, ‘“Frantick Hacket”: Prophecy, sorcery, insanity, and the Elizabethan Puritan movement’, *The Historical Journal*, 41, 1, (March, 1998), pp. 32, 27

¹¹² Thomas, *Religion and the decline of magic*, pp.158-159

¹¹³ Walsham, ‘“Frantick Hacket”’, p. 43

here have this week burnt alive two Flemish Anabaptists.—London, 25th July 1575.’¹¹⁴

These Dutchmen were members of an Aldate congregation accused of heresy; ten women and another man were condemned to burn but interestingly their punishment was reduced to banishment. Martin Hume writes that the two men executed relapsed on their recantation; he claims (though without stating his evidence) that they were burned under ‘the barbarous writ “*de heretico comburendo*”’ issued for the first time in seventeen years.¹¹⁵ Further information is added by Hale, who claims that this writ was issued following conviction before High Commissioners, one of whom was a bishop; thus they were sentenced upon both diocesan authority according to Common law, and the statutory authority given to Commissioners by Elizabeth.¹¹⁶

Four other men were burned as heretics in Norwich between 1579 and 1589.¹¹⁷ The surviving information for two of these cases illustrates the nature of the beliefs which could lead to execution for heresy, and something of the legal procedure. Mathew Hamont was condemned for heresy in Edmund Freake’s consistory court in Norwich, on 18 April 1579, and by authority of the mayor had his ears cropped on 13 May 1579 for seditious speech against the queen and Privy Council.¹¹⁸ Unlike Hacket however, Hamont was burned for heresy. He was accused of Arian-type beliefs, including denying: the deity, atonement, resurrection, baptism, communion, and the New Testament.¹¹⁹ Francis Kett, was accused of heresy by Edmund Scambler, bishop of Norwich, who in 1588 produced “‘Articles of heretical pravity”’ against him. Amongst other errors Kett was accused of

¹¹⁴ Hume, Martin. A. S., (ed.), 'Simancas: July 1575', *Calendar of State Papers, Spain (Simancas), Volume 2: 1568-1579, Number 417*. (1894), pp. 495-500, From *British History Online*

¹¹⁵ Footnote 7 in: Hume, 'Simancas: July 1575', pp. 495-500

¹¹⁶ Hale, *Historia Placitorum Coronae*, pp. 405-406

¹¹⁷ Mathew Hamont, a wheelwright of Norfolk (May 1579), 'John Lewes (18 September 1583), Peter Cole, a tanner of Ipswich (1587), and Francis Kett (1589).' Gordon, Alexander, 'Hamont, Matthew (d. 1579)', rev. Stephen Wright, *ODNB*

¹¹⁸ *Ibid*

¹¹⁹ Coffey, *Persecution and Toleration*, pp. 100, 101 [John Lewes and Peter Cole were also burned there in 1583 and 1587]; Stow, John, *The abridgement of the English Chronicle, ...*, (1618)

denying Christ's deity, and maintaining soul-sleeping. 7 October 1588 Scrambler urged Burghley that Kett 'be speedily executed as a dangerous blasphemer'; 14 January 1589, like Hamont before him, he was burnt in the Norwich Castle ditch.¹²⁰ In a further case, Peter Burchet gentleman, was accused of erroneous opinions in the consistory court of 'Edwin B. of London' at 'Pauls Church', and threatened with death for heresy before being persuaded to abjure and perform penance.¹²¹

The heretical tenets that, held obstinately, led to the stake appear to have been those that denied the central doctrines of orthodox Trinitarianism, the authority of Scripture, and orthodox teaching on the sacraments. These examples show that serious cases of heresy continued to be processed through the consistory courts (instigated by accusation of ordinaries), and that, following an understanding of Common law precedent, royal authorization for execution was required. Of noteworthy interest to the case of Biddle a later anti-Trinitarian, is the fact that both Hamont and Kett were noted by contemporaries as being strict of life, well versed in Scripture, and continually praying and praising God; these godly characteristics posed problems for Puritans attempting to deal with heresy in the 1640s and particularly 1650s.¹²²

It has been argued that systematic codification of ecclesiastical discipline was not pursued, because there was an Erastian preference amongst Elizabeth's bishops for a church governed under the royal prerogative.¹²³ It has also been argued that the queen herself opposed further reform.¹²⁴ There were interplaying tensions between motions for greater ecclesiastical self-governance, as proposed in the *Reformatio*, and the authority of both Parliament and the Crown over the Church. This is demonstrated by a letter from

¹²⁰ Gordon, Alexander, 'Kett, Francis (c.1547–1589)', rev. Stephen Wright, *ODNB*

¹²¹ Stow, John, *The chronicles of England from Brute unto this present yeare of Christ. 1580*, (1580), pp. 1175-1176

¹²² Gordon, 'Hamont, Matthew (d. 1579)' *ODNB*; Gordon, 'Kett, Francis (c.1547–1589)', *ODNB*

¹²³ Kirby, Torrence, 'Lay Supremacy: Reform of the canon law of England from Henry VIII to Elizabeth I (1529–1571)', in *Reformation & Renaissance Review*, Vol. 8, Issue 3, (December 2006), p. 367

¹²⁴ MacCulloch, *Tudor Church Militant*, pp. 191-195

Archbishop Whitgift to Elizabeth written on 24 March 1585 (the day after further canons were ratified), about a bill in the Commons regarding the Church. Whitgift cautioned that changes introduced by Parliament ‘cannot hereafter but in parliament be altered’, whereas a canon passed by the bishops and ‘by your majesty’s authority... may be observed or altered at your pleasure’.¹²⁵ This friction re-emerged with the passing of the 1603 canons which were ratified by James, but not by Parliament who refused their consent.¹²⁶

Approaches to Orthodoxy and Heterodoxy

A number of fascinating recent studies have re-evaluated and complicated our understanding of the Early Modern process of defining orthodoxy and heterodoxy. The notion of a fixed ‘orthodoxy’ has been destabilised emphasising the multifarious nature of the Early Modern English Church, whilst it has been demonstrated that challenges to established orthodoxy were generated by complex interactions between orthodox and heterodox ideas. Lake and Questier emphasise the significance of the shifting nature of conformity and orthodoxy in their collection of essays, where ‘Orthodoxy’ was always a contested body of beliefs and practices subject to debate and reconstruction, and inextricably bound up with claims to and the exercise of political and ecclesiastical power.¹²⁷ In this train, Milton argues that press censorship was not simply ‘control exerted by a monolithic government over “oppositionist” writers’; manipulating control of printing was one means ‘by which competing religious groups sought to establish their own criteria

¹²⁵ Bray, *The Anglican Canons*, pp. lii-liii

¹²⁶ *Ibid.*, p. lvi

¹²⁷ Lake, Peter & Questier, Michael, (eds.), *Conformity and Orthodoxy in the English Church, c.1560-1660*, (Woodbridge: The Boydell Press, 2000)

of orthodoxy.’ It was thus recognisably ‘a crucial area in which the battle for religious orthodoxy was fought’, as sanctioned publication implied orthodoxy.¹²⁸

The language of dichotomisation was part of a polemical claim to be defending religious truth, and also an attempt to categorise, control and understand the perceived chaos and confusion that contemporaries identified around them. As Christopher Marsh writes, ‘Orthodoxy and its opposites were very much in the eye of the beholder. This was contested ground, and shrill cries of “heresy!” were one of the ways in which animated parties marked the boundaries as they saw them. In truth, such parties needed heresy in order to define and reinforce their own spiritual identities.’¹²⁹ Recently, the historical trend for approaching the problem of early modern religious difference has been a questioning and deconstruction of these strict oppositions. Milton’s *Catholic and Reformed* argues that the concepts of ‘Catholic’ and ‘Reformed’ were not necessarily poles apart as there was disagreement over the definition of ‘Reformed’, and various appeals to ‘Reformed’ orthodoxy. Furthermore, many people were against the use of divisive labelling, even the use of the term ‘Protestant’, and claimed the title ‘Catholic’ belonged to members of a universal Church that included the Reformed churches of the continent, rather than to Rome.¹³⁰

Prominently in this area, revised approaches to the study of Puritanism (the precise definition of which is the subject of debate) have produced fresh insights into the evolution of heterodoxy. The particular significance of Puritanism to this thesis lies in the pressure it produced for national reform, and for individual godliness and religious practice. Although a much-contested term, a simplistic yet helpful definition of Puritanism is that of ‘a

¹²⁸ Milton, Anthony, ‘Licensing, Censorship, and Religious Orthodoxy in Early Stuart England’, in *The Historical Journal*, 41, 3, (September, 1998), pp. 627, 625

¹²⁹ Marsh, Christopher, “‘Godlie Matrons’ and “loose-bodied dames” : heresy and gender in the Family of Love’, in Lowenstein & Marshall, *Heresy, Literature and Politics*, p. 59

¹³⁰ Milton, Anthony, *Cambridge Studies in Early Modern British History: Catholic and Reformed*, (Cambridge: Cambridge University Press, 1995), p. 379

distinctive and particularly intense variety of early modern Reformed Protestantism' arising within the Elizabethan Church.¹³¹ Although long associated by contemporaries and historians as radical nonconformists, most historians agree that mainstream Puritans did not want to separate from the national Church instead pushing for reform from within it.¹³² The emphasis on individualism however tended towards fragmentation amongst Puritans, and, the Puritan or 'godly' emphasis on both internal scrutiny and the evangelical urge for further moral and ecclesiological reform based upon solely biblical principles, and the activities stemming from such fervour, could be at odds with a national church concerned with order and hierarchy.¹³³ At the most radical it could lead to separation from a church considered only partially reformed and tainted by popery. For example, Freeman's study of John Darrel and Puritan exorcisms in the late sixteenth century demonstrates that whilst Puritan devotional practises such as fasts, prophesyings, exercises, and exorcisms may not, strictly speaking, have been doctrinally unorthodox, in the eyes of the 'guardians' of orthodoxy these were potentially subversive activities which, when unauthorised, were subject to investigation and repression by order of the crown. Charismatic ministers who could attract a large lay following were a threat to the stability of a hierarchical church, especially if claims of miracles or exorcisms were involved, as they attracted crowds who usually attended services perhaps more out of formality. As Freeman argues, this could also evoke concern within Puritan circles as well; we see this particularly in the 1640s and 1650s with dynamic and itinerant preachers.¹³⁴

¹³¹ See Coffey, John, & Lim, Paul, C. H., *The Cambridge Companion to Puritanism*, (Cambridge: Cambridge University Press, 2008), p. 5

¹³² Most prominently, Hill, Christopher, *The World Turned Upside Down: Radical Ideas during the English Revolution*, (London: Penguin, 1975); this shift in perspective is largely thanks to revisionist works, e.g. Collinson, Patrick, *The Religion of Protestants: The Church in English Society, 1559-1625*, (Oxford: Oxford University Press, 1984)

¹³³ See, Lake, & Questier, *Conformity and Orthodoxy*

¹³⁴ Freeman, Thomas, 'Demons, Deviance and Defiance: John Darrel and the Politics of Exorcism in late Elizabethan England', pp. 34-63, in Lake, & Questier, *Conformity and Orthodoxy*

Studies of these godly practises and communities has led to their being referred to and discussed as a Puritan ‘underground’, an informal arena of meetings, activities and debates that until the 1640s took place outside of, and supplemented, attendance at the parish church. They formed both a support group for the godly and a means to work out an individual understanding of their faith. This was an important aspect of Puritan life, particularly when the formality and inclusive nature of the national church precluded some aspects of godly enthusiasm. The Puritan aim was a fully Reformed national church; Peter Lake has argued that it was the failure to incorporate these godly practises into the national church that led many to separate from it.¹³⁵

These activities and participation in an individual and collective questioning of religious instruction fostered an environment in which dissenting and heterodox ideas could arise, whilst their proponents could still be numbered among the godly.¹³⁶ Lake and David Como have demonstrated through three case studies, how competition for lay influence or ministerial preferment within Puritan circles was often at the heart of disputes over theological orthodoxy; when informal debates failed to bring reconciliation it was usually a case of quietly ‘agree to disagree’, yet rivalry could lead to public denunciation. They emphasise a surprising degree of flexibility and tolerance of differing opinions for members of this Puritan underground, who were ‘one of’ them.¹³⁷ Lake argues that whilst Puritanism could formulate heterodoxy, the godly community also attempted to contain and resolve doctrinal disagreements in order to maintain orthodoxy; when these attempts failed it could lead – in what Lake terms ‘breakdowns in decorum’ – to accusations of heresy from the pulpit, in print, through godly social networks, and at the most serious,

¹³⁵ Lake, Peter, ‘Puritanism, Familism, and heresy in early Stuart England: the case of John Ethington revisited’, in Loewenstein & Marshall, *Heresy, Literature and Politics*, especially p. 102

¹³⁶ For example see: Atherton, & Como, ‘The Burning of Edward Wightman’, pp. 1215-1250; Walsham, ‘“Frantick Hacket”’, pp. 27-66

¹³⁷ Lake, Peter, & Como, David, ‘“Orthodoxy” and Its Discontents: Dispute Settlement and the Production of “Consensus” in the London (Puritan) “Underground”’, in *Journal of British Studies*, Vol 39, No 1, (January, 2000), pp. 34-70

denunciation to the bishop or High Commission.¹³⁸ In the 1640s, when Puritans were in positions of authority and Reformed orthodoxy was openly challenged on numerous fronts, this approach to dispute settlement was no longer possible.

This pattern is demonstrated quite clearly in the intriguing case of Edward Wightman the last person burned for heresy in England, analysed in detail by Ian Atherton and David Como. It also introduces a series of themes and issues of legality and precedent that recur in the 1640s. A known member of the Staffordshire Puritan community, Wightman came to articulate anti-Trinitarian, and peculiar beliefs including identifying himself with Christ, the second coming of Elijah, and with the Holy Ghost, sent to save the world from error. Atherton and Como identify the ‘root of his departure from orthodoxy’ as being ‘a form of hyper-puritan critique, in which Wightman rejected not simply the doctrine of the English Church, but the entire framework of Christian orthodoxy as a mass of unscriptural accretions’ within a deluded and perverted post-apostolic church. They argue that Wightman’s Anabaptism and mortalism would not have warranted a death sentence, but that it was his heterodox beliefs about the Trinity and the nature of God which sent him to the stake.¹³⁹

Failure on the part of the godly to persuade Wightman of his errors, and eventual exasperation with his increasingly disruptive dissemination of them, led the Burton minister and churchwardens to denounce him during Bishop Richard Neile’s visitation in February 1611. Neile returned to London shortly after, taking Wightman with him.¹⁴⁰ Wightman was thereafter kept in confinement; he was questioned before the High Commission four times before June, but no immediate action taken. Atherton and Como point out that Wightman had grown bolder ‘courting a broader audience and perhaps

¹³⁸ Lake, ‘Puritanism, ‘Familism, and heresy’, p. 104; this is also the pattern noted in Atherton, & Como ‘The Burning of Edward Wightman’, pp. 1215-1250

¹³⁹ Atherton, & Como, ‘The burning of Edward Wightman’, pp. 1232-35

¹⁴⁰ *Ibid.*, p. 1231

inviting a final confrontation with the ecclesiastical authorities'. After arriving in London, he even sent a written account of his peculiar theology to the nonconformist lecturer Anthony Wotton, and a copy to the king.¹⁴¹ As James's defence of his orthodoxy against Roman Catholic apologists was his adherence to the Apostles', Nicene and Athanasian creeds which Wightman's manuscript rejected, it was unfavourably received. Wightman was now kept a 'close prisoner in the Gatehouse'.¹⁴² On 4 September Neile threatened Wightman with recantation or death, and he was summoned by Archbishop Abbot again before the High Commission, along with Bartholomew Legate, another anti-Trinitarian who after a decade's imprisonment was burned at the stake 18 March 1612.¹⁴³ Examined and put on trial over November and December before Neile's consistory court, Wightman was finally convicted 5 December 1611, of: 'stubbornly upholding "the wicked Heresies of the Ebionites, Cerinthians, Valentinians, Arrians, Macedonians, of Simon Magus, of Manes, Manichees, of Photinus, and Anabaptists, and of other Heretical, Execrable, and unheard Opinions, by the instinct of Satan'. Delivered to the secular authorities, Wightman was set alight at Lichfield on 20 March 1612, whereupon promising to recant he was pulled from the flames; he rejected his recantation a few weeks later before the consistory court. The king renewed his execution writ and as a relapsed heretic Wightman was burned 11 April 1612.¹⁴⁴

Atherton and Como argue that the Legate and Wightman cases were embroiled in international disputes over orthodoxy and the threat of anti-Trinitarianism, and also factions within the English Church, notably between Abbot (a Calvinist) and Neile (opposed to Puritanism and later associated with Laudianism).¹⁴⁵ Proceedings were also entangled with ongoing disagreements in 1611 between the king and ecclesiastics, and

¹⁴¹ *Ibid.*, p. 1231

¹⁴² *Ibid.*, p. 1232

¹⁴³ *Ibid.*, pp. 1243-1244

¹⁴⁴ *Ibid.*, pp. 1215-1216

¹⁴⁵ *Ibid.*, p. 1244

common lawyers; lawyer Edward Coke contested that the royal prerogative was the grounds of the king's judicial authority, arguing that the king and by extension the High Commission were subject to either statute or Common Law.¹⁴⁶ Amidst debate over the role of the Commission in September/October, Abbot proclaimed James' desire to exterminate heresy via 'its summary procedure', producing and interrogating two "most blasphemous" heretics' (undoubtedly Legate and Wightman) in an attempt to reinforce 'the necessity for the Commission and its procedure.'¹⁴⁷

The physical to-ing and fro-ing in Wightman's case, between Neile's consistory court in Lichfield, imprisonment and the High Commission in London, then back again and to the stake, is intriguing. It illustrates, as Atherton and Como point out, uncertainty over the correct legal process; had the repeal of the statute *De Haeretico Comburendo* also removed the authority to execute heretics, or did a distinct royal writ *De Haeretico Comburendo* authorise execution by Common Law? Did conviction need to occur before the High Commission or a consistory court?¹⁴⁸ It was argued by Coke that at Common Law no writ of *De Haeretico Comburendo* "lay upon conviction by the ordinary", but as Hale argued, by a Provincial Council.¹⁴⁹ As Usher insists the Commission was limited to inflicting fines and imprisonment, perhaps Neile may have hoped that intimidation before the Commission, or the combined efforts of learned bishops would persuade Wightman of his errors. Or, as Atherton and Como suggest, perhaps Neile saw Wightman as an opportunity to warn against the subversive nature of Puritanism; in which case, perhaps the delay in passing judgement was influenced by the sense that lesser punishments were not

¹⁴⁶ Usher, *The Rise and Fall of the High Commission* pp. 223-229; essentially Coke wanted to restrict the Commission's jurisdiction to extraordinary ecclesiastical cases (i.e. heresy, schism, popish priests). James agreed; commissioners no longer had final sentence or 'absolute discretion'. Their powers were reinforced however, under Charles I. See: *Ibid.*, pp. 216-217, pp. 218-219, 236

¹⁴⁷ *Ibid.*, pp. 220-221

¹⁴⁸ Atherton, & Como, 'The burning of Edward Wightman', p. 1242

¹⁴⁹ Hale, *Historia Placitorum Coronae*, pp. 395, 404-405

severe enough.¹⁵⁰ This is paralleled by the unusual proceedings in James Nayler's case in 1656.¹⁵¹ Following debate, the Lord Chancellor and a panel of senior judges decided that conviction before Lichfield consistory court sufficed to issue a writ from Chancery for Wightman's execution.¹⁵² These legislative and judicial issues over the authority for inflicting capital punishment for heresy arose again in new and more complicated circumstances in the mid-seventeenth century. To the authorities, Wightman represented the dangers of unfettered religious speculation and practice; he not only rejected the foundational beliefs of most Protestants, he was a layman who, including the efforts of the godly community, resisted years of efforts at reclamation. His obdurate insistence on the primacy of his own understanding above that of clerical authority led to his execution.

Tensions within Puritanism itself in early Stuart England are revealing of the problems that arose later in the 1640s. Como's study of early Stuart Antinomianism argues that 'many of the central cultural features of antinomianism were in fact direct outgrowths or amplifications upon important aspects of mainstream puritanism.'¹⁵³ Antinomians strove for influence over the godly laity, presenting themselves as 'the true heirs of Luther at a time when sensitivities over questions of works, grace, freewill, and predestination were growing steadily as a result of the prevalence of Arminianism in the church.'¹⁵⁴ He argues that from the 1620s into the 1640s, 'disputes between antinomians and their orthodox puritan antagonists were so bitter precisely because no...segregating boundary existed'.¹⁵⁵ A focus on the origins of heterodoxy and sectarianism is vital to a study of heresy for as

¹⁵⁰ Atherton, & Como, 'The burning of Edward Wightman', pp. 1243-1247

¹⁵¹ See chapter five

¹⁵² Edward Coke (known to believe the cases should be tried before the High Commission) was excluded by the king, see: Atherton, & Como, 'The burning of Edward Wightman', pp. 1240-1242

¹⁵³ Como, David. R, *Blown by the Spirit: Puritanism and the Emergence of an Antinomian Underground in Pre-Civil-War England*, (Stanford: Stanford University Press, 2004), p. 28 ; the same point is made in Walsham, "'Frantick Hacket'", pp. 27-66, and in Atherton, & Como, 'The burning of Edward Wightman'

¹⁵⁴ Como, *Blown by the Spirit*, p. 37

¹⁵⁵ *Ibid.*, p. 8; see also Cooper, Tim, *Fear and Polemic in seventeenth-century England, Richard Baxter and Antinomianism*, (Aldershot: Ashgate Publishing Ltd, 2001)

Como states, ‘it is only once we have reconstructed the process whereby the godly community shattered into an array of competing politico-religious factions that we will be able to make sense of the broader fragmentation of the Parliamentary cause during the 1640s and 1650s.’¹⁵⁶ Tim Cooper’s study of fear, polemic and Antinomianism also emphasises the conflicting strands within the Reformed tradition, where differences were portrayed polemically as stark dichotomies between orthodox and heterodox. As he points out ‘The middle ground was claimed by all and allowed to none’; what Cooper calls the ‘seventeenth-century battle for conservatism’ was the competing claims to be preserving the legitimate Protestant tradition.¹⁵⁷ As the following chapters will illustrate, these claims also extended the competition for orthodox status back to the authority of the Early Church.

In 1642, war broke out between an alienated king and Parliament who had vastly divergent views of how the governmental constitution and the English Church should look and operate.¹⁵⁸ Animosities had partly been fuelled by Puritan resistance to Charles’ vision of a more uniform, and ceremonial church and the severe recriminations that this incurred from his prelates and High Commissioners (see below). Furthermore, following an extended period of personal rule without calling a Parliament, and war with two of his other kingdoms (Scotland 1639-40 and Ireland 1641), eleven years of pent up Parliamentary grievances and growing suspicions of Charles’ own Protestant orthodoxy

¹⁵⁶ Como, *Blown by the Spirit*, p. 20

¹⁵⁷ Cooper, *Fear and Polemic*, p. 193

¹⁵⁸ There is no clear consensus on the origin of the civil wars, a debate for which a considerable historiography exists. A few influential works include the following: for revisionist arguments asserting short term causes, see: Russel, Conrad, *The Causes of the English Civil War. The Ford Lectures delivered in the University of Oxford, 1987-1988*, (Oxford: Oxford University Press, 1990); Tyacke, Nicholas, *Anti-Calvinists: the Rise of English Arminianism, c. 1590-1640*, (Oxford: Oxford University Press, 1987). For arguments emphasising more complex divisions over politics and religion, see: Cust, Richard, & Hughes, Ann, (eds.), *Conflict in early Stuart England: studies in religion and politics, 1603-1642*, (London: Longman, 1989); Morrill, John, *The nature of the English Revolution*, (London: Longman Publishing, 1993)

and absolutist tendencies, fostered unwillingness to compromise.¹⁵⁹ When Puritans came into a position of power in the 1640s, the fractures within Puritanism came to the fore, as incompatible visions of the 'true church' struggled for domination. To many, the 1640s and 1650s represented an unprecedented opportunity to complete the purification of an imperfectly reformed church, and construct a godly commonwealth in anticipation of Christ's return. However, it soon became clear that there was tension between those who wanted to reform what already existed following traditional precedents for disciplining a national church, and those who sought a different mould altogether arguing for varying measures of liberty for dissenters. The upheaval of civil war and concomitant excitement over reform and millenarian expectations, were seen as justification for challenging the existing political, religious and social order. It thus proved a catalyst for the open emergence of a host of gathered congregations and radical 'sects'; in contrast to the conventional belief that reform required only the paring away of unnecessary or erroneous accretions, many expected continuing revelation and thus re-evaluation of accepted truths.

Those Puritans seeking to impose a new, yet equally strict uniformity had inherited a complex legacy, as almost all of the precedents for examining, punishing and burning heretics involved disciplinary apparatus which they had opposed and dismantled, or involved cases of Protestants burned as heretics during periods of Catholic ascendancy. How to deal with heresy under these circumstances is the central issue throughout the following chapters. Atherton and Como point out that it was not inevitable that Wightman would be the last person burned for heresy. For, although the Marian burnings had undoubtedly brought ill-repute to the practice this had not prevented its employment under Elizabeth, and at least one man after Wightman, John Trendall of Dover, came close to the stake in 1639 saved only by the interruption of the Bishops' Wars. The abolition of

¹⁵⁹ Durston, Christopher, & Maltby, Judith, (eds.), *Religion in Revolutionary England*, (Manchester: The University Press, 2006), pp. 1-16

Episcopacy and the High Commission 1640-1642 'removed the existing machinery for dealing with heresy', though not the conviction that obstinate or consistent expressions of heresy deserved death.¹⁶⁰ Although Quarter Sessions and Assizes had been given some powers to proceed against heretics (1401, 1543, 1547), it is uncertain how widely these powers were employed, and in any case, they did not allow the pronouncement of a final verdict separate from the Episcopal authorities. It further complicated matters for Parliamentarians intent on eradicating heresy, that if the authorisation for executing heretics was, as had been argued, enshrined in Common Law through the king's royal writ, this means of proceeding was also denied them. Whilst Parliamentary proceedings and religious legislation in the 1640s and 1650s has been written about, less has been said regarding how religious legislation interacted with, and was a product of the conflicting pressures and aims of Puritan government.¹⁶¹ My thesis aims to help fill this gap by discussing how heresy/blasphemy legislation was an integral part of wider attempts to bring about reform, and, how the complicated nature of opposition to this legislation and vagueness within it reflected intra-Puritan tensions.

It is unsurprising, given the confusion over legal proceedings against heresy before the outbreak of civil war, that when the Episcopal and High Commission courts were dismantled, and Parliament claimed to be acting on behalf of a misled (later tyrannical and treacherous) king, it raised a disciplinary dilemma. When the anti-Trinitarian Paul Best came to Parliamentary attention the question of what to do with him invoked great debate

¹⁶⁰ Atherton, & Como, 'The burning of Edward Wightman', p. 1248

¹⁶¹ Coffey, *Persecution and Toleration*; Hessayon, Ariel, 'Coppe, Abiezer (1619–1672?)', *ODNB*; Hughes, *Gangraena*; Hughes, Ann, "'The public profession of these nations": the national Church in Interregnum England', in Durston, & Maltby, *Religion in Revolutionary England*, pp. 95-96; McDowell, Nicholas, *The English Radical Imagination: Culture, Religion, and Revolution, 1630-1660*, (Oxford: Clarendon Press, 2003), p. 25; McGregor, J.F, in 'Debate: Fear, Myth and Furore: Reappraising the "Ranters"', *Past and Present*, Number 140, No.1, (1993), pp. 157-158; Smith, L. David, *The Stuart Parliaments 1603-1689*, (London: Arnold, 1999); Warfield, Benjamin, *The Westminster Assembly and its work*, (New York: Oxford University Press, 1931); Worden, Blair, *The Rump Parliament 1648-1653*, (Cambridge: Cambridge University press, 1974)

and consternation. Issues of procedure resurfaced yet again with the notorious cases of the Socinian John Biddle and the Quaker James Nayler in the 1650s (chapter five). Other historians have recently looked at the cases of Best and Biddle, and Nayler, but they have not placed them in the context of problems for Puritans in punishing, legislating, or enforcing legislation against heretics and blasphemers.¹⁶² Best's and Biddle's cases are looked at by Mortimer, yet whilst acknowledging the Parliamentary dilemma, she is more focussed on the challenge of Socinianism to Calvinist orthodoxy and the application of reason in a critique of Trinitarianism. Nigel Smith also wrote on Best and Biddle, yet his interest was interrogating the substance and argument of Best's and Biddle's views and their use of allegory and logic respectively. Lim has conducted in-depth research into Best's case, the circumstances surrounding his arrest, and details of his arguments and disputations, and likewise also with Biddle's case. He carefully examines the context of Puritan Biblicism from which English anti-Trinitarian challenges arose, and the threat these posed to Trinitarian orthodoxy. However whilst Lim's focus on anti-Trinitarian controversies has a strongly theological emphasis, I am looking more generally at heresy and attempts by (primarily) ministers and magistrates to combat it. Peters discusses Nayler and the issues with local enforcement of the Blasphemy Act and constitutional tensions within the protectorate with regard to laws relating to liberty and blasphemy, but she mostly focusses on the crisis within Quakerism caused by Nayler's trial, and subsequent Quaker responses in print. My treatment of Best, Biddle and Nayler expands on these above works by connecting their cases to ongoing struggles within Parliament, and pressures from without, where arguments for a broader and more secure liberty vied with

¹⁶² Mortimer, Sarah, *Reason and Religion in the English Revolution, The challenge of Socinianism*, (Cambridge: Cambridge University Press, 2010); Smith, Nigel, "'And if God was one of us': Paul Best, John Biddle, and anti-Trinitarian heresy in seventeenth-century England", in Loewenstein & Marshall, *Heresy, Literature and Politics*; Lim, Paul. C. H, *Mystery Unveiled: The Crisis of the Trinity in Early Modern England*, (Oxford: Oxford University Press, 2012); Peters, *Print Culture and the Early Quakers*

pressure for a more restrictive orthodoxy and severer measures against heresy and blasphemy.

A number of doctrinal positions that either emerged or became increasingly prominent in the 1640s and 1650s were considered particularly alarming. Antinomianism has been mentioned already and was associated with libertinism, a licentiousness free from moral restraint; Anabaptism rejected the baptism of infants and thus in principle the notion of being born into a national church, it was also associated with the infamous Munster Anabaptists of the sixteenth century who overturned private ownership; Arminianism, closely associated with the Laudian prelates, challenged the Reformed doctrine of predestination, and was associated with Socinianism which rejected (amongst other tenets) the Trinitarian understanding of the divinity of Christ; Seekers rejected established ecclesiastical forms and awaited new prophets who by great signs and wonders would establish the Church; Quakers emphasised the authority of the Spirit and were perceived to reject traditional means of knowing religious truth through the Bible. Many of these 'heresies' either challenged what were considered fundamental or central Protestant doctrines, or appeared to present an unfettered individualism which undermined the means of disciplining and instructing people in moral living and true belief.

These ideas were able to reach a larger percentage of the population than previously through the movement about the country of members of the New Model Army, renowned for its fermentation of radical ideas, and more significantly, through a lapse in censorship. Clegg argues that whilst the authority of the Stationers Company was asserted by Parliament in 1643, press censorship in the 1640s was rendered ineffective by the abolition of the High Commission and Star Chamber. In 1647, fines and up to forty days imprisonment were threatened for publications deemed seditious, scandalous or critical of Parliamentary and Army proceedings. Restated after 1649, Clegg explains that these orders

operated not by attempting prosecution of every unlicensed item, but through deterrence and selective punishment.¹⁶³ This helps to make sense of both the prolific publications of the 1640s (and 1650s) and the calls for suppression of, and punishment meted out for, certain printed works.

It was the Presbyterian response to an ideological eruption amidst a breakdown of press censorship in the 1640s that is the focus of Ann Hughes' tome *Gangraena*. The three volume work of this name edited by Thomas Edwards was 'a product of, and a major contribution to, a broad campaign for Presbyterian Reformation, and against schism and heresy' which significantly impacted on political identities and divisions in the 1640s.¹⁶⁴ Identified by Hughes within a 'multifaceted, alarmist literature concerned with religious unorthodoxy in numerous learned treatises, setpiece sermons, vicious polemic, and cheaper, more populist genres', *Gangraena* was intended to humiliate and suppress heresies and schisms by exposing them to public view.¹⁶⁵ This process is evidenced by discussion of Best's case in chapter two. In appealing to earlier anti-heretical writing and traditions, older labels were applied to newer errors, however in contrast to those arguing for little or no relationship between the two histories, Hughes contends that recognising this heresiological generic modelling 'should not imply their categories had no relationship to some independent "reality"'. Therefore to be accused of:

Arianism implied an unhealthy interest in the difficult mystery of the Trinity and the relationship between the divine and human natures of Christ; Pelagianism a stress on the role of human effort or understanding rather than God's divine decrees in the attainment of salvation. Arminius was thus for many a new Pelagius. The

¹⁶³ Clegg, Cyndia, *Press Censorship in Caroline England*, (Cambridge: Cambridge University, 2008), pp. 229-230, 231

¹⁶⁴ Hughes, *Gangraena*, pp. 3-4

¹⁶⁵ *Ibid.*, pp. 55, 57

label of “Donatist”, derived from Augustine’s rivals in Africa, was applied frequently to Independents, to indicate an insistence on the church as a select, pure “sect-type” organization rather than as an inclusive body. More generally the tags of libertine or anabaptist conjured up the indiscriminate excesses of reformation radicals.¹⁶⁶

The heresies of the Early Church are particularly significant because not only was heresy largely defined in relation to them, but the Early Modern was also a period which became the focus of intense debate over the boundaries of orthodoxy. Whilst such labelling was neither fair nor accurate, it was also, Hughes argues, not a random or incoherent process, but a means of understanding alarming contemporary occurrences.¹⁶⁷ Therefore, as she later states, ‘Edwards’s account of divisions should be seen as invocation, as an attempt to bring polarization into being, rather than as dispassionate description.’¹⁶⁸

As stated above, print and heresy have been dealt with substantially already.¹⁶⁹

Publications in popular print against heretics were intended to warn, refute, and stigmatize; popular publications by heretics were intended to defend, negate charges, appeal for liberty of conscience, and remittance of punishment, and also to persuade others to their view.

Where my thesis draws on printed sources it confirms the arguments made for dialogue between heterodox and orthodox ideas; it also considers the way in which these conflicting publications impacted on public consciousness, and shows how printed pamphlets and books were often one of the ways whereby cases were brought to the attention of

Parliament and other authorities.

¹⁶⁶ *Ibid.*, pp. 75-76

¹⁶⁷ *Ibid.*, pp. 75-76

¹⁶⁸ *Ibid.*, p. 325

¹⁶⁹ For example: Hughes, *Gangraena*; Loewenstein, & Marshall, *Heresy, Literature, and Politics*; Peters, *Print Culture and the Early Quakers*; Lake, Peter, *The boxmaker’s revenge; ‘Orthodoxy’, ‘heterodoxy’ and the politics of the parish in early Stuart London*, (Manchester: Manchester University Press, 2001); McDowell, *The English Radical Imagination*

A significant means of public opposition to heresies and their proponents was through sermons. The pulpit was an influential arena for impacting on public opinion and was often used to denounce current heterodox opinions. A fair amount has been written on preaching and the interaction of the laity with sermon material, and fast days have also received some attention.¹⁷⁰ However, little has been written about the practices of prayer and fasting and their considered efficacy in a battle against heretics, which, along with employment of preaching against heresy, is the focus of chapter three. Furthermore, although the 10 March 1647 is a fast mentioned by other historians the day itself, the content of the sermons preached, and the process by which it was called has not previously (to my knowledge) been analysed in great detail.¹⁷¹

Coffey, looking at defining heresy and orthodoxy in the 1640s outlines the heresy debate brought about by the ‘unprecedented new challenge’ of heterodox Independent and Separatist opinion that was no longer restricted to manuscript exchanges (or smuggled printed works) but openly printed and disseminated to a wide public. Disagreements over doctrinal issues and theological boundaries caused some Reformed divines to assert that more than rejecting orthodoxy, heresy was an ‘error in “fundamental articles” of the faith, necessary for salvation.’¹⁷² This still left the problem of defining what these heresies were, and distinguishing them from lesser errors, and what to do with their proponents; the culmination of this Presbyterian effort was the Heresy and Blasphemy Ordinance of 1648

¹⁷⁰ Durston, Christopher, “‘For the better humiliation of the people’: public days of fasting and thanksgiving during the English Revolution”, in *The Seventeenth Century*, Vol. VII, No. 2, (Autumn 1992); Durston, Christopher, ‘Preaching and sitting still on Sundays’: the Lord’s Day during the English Revolution’, in Durston, & Maltby, *Religion in Revolutionary England*; Ferrell, Lori Ann, & McCullough, Peter, (eds.), *The English Sermon revised: Religion, Literature and History 1600-1750*, (Manchester: The University Press, 2000); Hunt, Arnold, *The Art of Hearing: English Preachers and their Audiences, 1590-1640*, (Cambridge: The university press, 2010); Wilson, John. F, *Pulpit in Parliament: Puritanism during the English Civil Wars 1640-1648*, (Princeton: The University Press, 1969)

¹⁷¹ Hughes, *Gangraena*, pp. 368-380; Underdown, David, *Fire From Heaven: Life in an English Town in the Seventeenth Century*, (London: Fontana Press, 1993)

¹⁷² Coffey, John, ‘A ticklish business: defining heresy and orthodoxy in the Puritan revolution’, in Loewenstein, & Marshall, *Heresy, Literature, and Politics*, p. 113

which defined capital and non-capital offences. However, it was never properly enforced; as Coffey argues, the ‘heresy debate had also become hopelessly entangled with the toleration controversy’, where Independents and more radical Separatists argued for varying degrees of liberty of conscience.¹⁷³ After Presbyterians were defeated following the political coup of 1648-9, Coffey writes that attempts to limit claims to orthodoxy were unsuccessful. The 1650 Blasphemy Act did not penalise Baptists, Arminians and Socinians, and the Protectorate Instrument of Government provided toleration for all professing “‘faith in God by Jesus Christ’”.¹⁷⁴ Coffey argues that the zeal for orthodoxy amongst the Puritans ‘jostled for position with zeal for liberty of conscience. Whilst many feared heresy, others feared a new persecution of the godly.’¹⁷⁵ My study builds on many of Coffey’s insights, but expands more on practical attempts to oppose heretics and preserve people from their pernicious influence.

The extent to which theories and practical measures of toleration were developed over the seventeenth century, and the significance of the 1640s/50s to this ‘process’, have been the subject of recent debate and revision.¹⁷⁶ Significant to 1640s/50s arguments for liberty of conscience (which began in 1644 after the Independent publication of *An Apologeticall Narration*), was the debate over the union of church and state and the power of the lay magistrate to decide upon matters of religion. This was intimately entwined with notions of the legitimacy of a national church.¹⁷⁷ Coffey claims that though some Royalists addressed the issue of toleration, it was ‘essentially a dispute among parliamentarians’, and ‘a bitter family dispute among puritans.’ Coffey divides religious groups according to their attitudes to toleration, into three groups: Presbyterian supporters of uniformity who

¹⁷³ *Ibid.*, p. 112

¹⁷⁴ On this Act, see chapters four and five

¹⁷⁵ Coffey, John, ‘A ticklish business’, p. 122

¹⁷⁶ For the development of toleration over seventeenth century see, Coffey, *Persecution and Toleration*

¹⁷⁷ Coffey, John, ‘The Toleration Controversy during the English Revolution’, in Durston, & Maltby, *Religion in Revolutionary England*, pp. 42-68

denounced liberty of conscience; conservative Independents, including ‘leading Independent clergy’, who ‘advocated liberty of conscience for orthodox Protestants whatever their Church’; and radical Independents who ‘questioned the basic assumption that the magistrate had coercive power in matters of religion, and openly advocated toleration for heresies and false religion.’¹⁷⁸ Although these distinctions were less clearly defined in practice than Coffey sets out, these are still helpful ways of thinking about those who participated in the debates over liberty. Coffey argues, broadly, that over the seventeenth century the rise of Puritan radicals like John Goodwin who advocated liberty of conscience, laid the basis for the development of a tolerant society.¹⁷⁹

Taking a different approach, Walsham’s social-history and thematically based study (*Charitable Hatred*), has opposed the view that persecution and toleration were polar opposites, arguing that ‘persecution’ was viewed as a form of Christian ‘charity’ intended to save a misled soul. She states that prejudice and benevolence were persistently coexistent impulses and ‘the relationship between them was cyclical rather than linear’.¹⁸⁰ (Whilst insightful and helpful in many ways the lack of chronology in Walsham’s approach is often frustrating when looking to pinpoint the specific influences on responses to heretics.) To contemporaries ‘an abstract commitment to confessional hatred of an illegitimate faith’ was not incompatible ‘with a charitable disposition to love one’s neighbours despite their religious idiosyncrasies.’ Thus at a community level although persecuting tendencies were endemic, breaking out into open hostility at times of crisis,

¹⁷⁸ Ibid., pp. 44-45; for treatment of Royalists and the topic of toleration/liberty of conscience, see: Milton, Anthony, ‘Coping with alternatives: religious liberty in royalist thought 1642-47’, pp. 149- 169, in Armstrong, Robert, & O Hannrachain, Tadhg, (eds.), *Insular Christianity: Alternative models of the Church in Britain and Ireland, c.1570-c.1700*, (Manchester: Manchester University Press, 2013); Mortimer, *Reason and Religion in the English Revolution*, Ch. 3

¹⁷⁹ Coffey, ‘The Toleration Controversy’, pp. 42-68; Coffey, *Persecution and Toleration*; Coffey, John, *John Goodwin and the Puritan Revolution: Religion and Intellectual Change in 17th-century England*, (The Boydell Press: Woodbridge, 2006)

¹⁸⁰ Walsham, *Charitable Hatred*, pp. 228, 231

there was a complex degree of grass-roots toleration.¹⁸¹ Reasons for toleration included ideas of neighbourliness, reluctance to persecute a known member of the community (perhaps here, there is a similarity to arguments for reluctance to denounce fellow members of a Puritan underground?), and, as many of the toleration advocates argued, Walsham points out the recognised difficulty of examining and ascertaining the state of a person's conscience, and thus there was a reluctance to punish for belief alone.¹⁸² Walsham argues that at ground level, despite instructions from secular and religious authorities there was often failure, for various reasons, to carry out persecution for religious offences.¹⁸³ (Conversely she points out that there were also times when official leniency towards religious deviants also provoked popular outrage.)¹⁸⁴ This has important implications for the ways in which statutes, proclamations, ministerial teachings and godly pronouncements on heresy must be thought about and considered, suggesting as it does a divergence from theory and action, belief and practise.

Keith Lindley has stressed the necessity of differentiating between different forms of toleration argued for and practiced; he also emphasises the significance of the 1640s and the emergence of 'a principled opposition to religious persecution'.¹⁸⁵ However, it has to be noted that this opposition was still a minority position, and few people argued for an indiscriminate liberty for all religions, nor that other religions were equally valid. Furthermore, arguments for liberty did not necessarily indicate an abhorrence of the principal of persecution, rather a contesting of who should be the persecutors. As Lindley states, the 'puritan struggle against Laudian repression in the 1630s was not an heroic bid

¹⁸¹ *Ibid.*, pp. 231, 241

¹⁸² *Ibid.*, 'Loving one's neighbours', p. 241

¹⁸³ *Ibid.*, pp. 269-280

¹⁸⁴ *Ibid.*, pp. 138-139

¹⁸⁵ Lindley, Keith, 'Religious toleration in seventeenth-century England', (Given as a St Cross College Visiting Fellow Lecture on 7 May 2002), [available online]; see also, McGee, J, Sears, 'Francis Rous and "scabby or itchy children": The Problem of Toleration in 1645', *Huntingdon Library Quarterly*, Vol. 67, No. 3, (September 2004), pp. 401-422

for freedom of conscience but an attempt to replace a corrupted, aberrant, national church with a fully Reformed alternative which would exercise similar coercive powers. The plain fact was that the persecuted believed in persecution, as the Presbyterians were to demonstrate in the 1640s.¹⁸⁶

This thesis demonstrates that whilst arguments for liberty and tolerance increased over this period in an unprecedented way, understandings of what it meant varied considerably. Most supporters wanted liberty limited only to the godly or the ‘orthodox’; only a tiny minority supported unlimited liberty for all religions. Arguments for liberty did however, as this thesis shows, not only widely enter public consciousness, they influenced on an exceptional level, ways of thinking about the power of the magistrate in matters of religion and coercion as a means of teaching truth. Furthermore, while arguments for liberty complicated understandings of how truth could be infallibly known, it did not undermine conviction in the principle of absolute truth – the conflict was in how one arrived at it, not whether it existed or not.¹⁸⁷ The following chapters illustrate that attempts to establish the contours of orthodoxy and thus heterodoxy in the mid-1640s to mid-1650s, were built upon a complex Protestant legacy, and ultimately foundered as a result of disagreement amongst the godly.

¹⁸⁶ Lindley, ‘Religious Toleration in Seventeenth-Century England’

¹⁸⁷ See McGee, ‘Francis Rous and “scabby or itchy children”’, p. 404

Chapter Two

Paul Best and reactions to heresy in the Westminster Assembly, Parliament and Press, 1642-1647

I account it a dangerous thing for men to trust to their owne wits, and that a great contempt of antiquity (the strong disease of these times) doth both mislead you, and fill the world with divisions.¹

I am confident that for the present, the Devil hath gained more in the matter of false Doctrine, Disorder, Deformation, Anarchy, and Libertinisme, then he lost in the Reformation by putting down of many Popish Errours, Superstitious Practises, and Tyrannies.²

This chapter focusses on attempts to answer a fundamental question which Puritans asked themselves in the 1640s, a question which was bound up with a multitude of contemporary problems: which method for dealing with heretics was enjoined by Scripture, and of lawful precedent? It will discuss the attempts of the godly to establish a new form of church government and discipline, and the challenges that arose against an imposed orthodoxy and a Presbyterian settlement. The case of the anti-Trinitarian Paul Best epitomized many of the complications for opposing heterodoxy faced by the ‘orthodox’ godly, and a large part

¹ *LEY'S COMMONPLACE BK*, MS.1952.003, William Andrews Clark Memorial Library, UCLA, f. 144r (Many thanks to Ann Hughes for making me aware of, and loaning me the microfilm reproduction of this manuscript source, [Clark Microfilm Reel 1486C, (UCLA Reprographic Service)])

² Edwards, Thomas, *GANGRAENA: OR A Catalogue and Discovery of many of the Errours, Heresies, Blasphemies and pernicious Practices of the Sectaries of this time*, ([Thomason date 26 February]1646), reproduced by: Goldsmith, M. M, & Roots, Ivan, (eds.), *Gangraena by Thomas Edwards*, (Exeter: The Rota at Imprint Academic, 1998), p. 127

of this chapter is organized around the attempts of MPs and ministers to make an example of Best, and legislative issues with imposing punishment upon heretics. A section deals with the specific reasons that anti-Trinitarianism provoked such a strong reaction, and the questions it raised for asserting religious authority. Following on from this we will look at public engagement with the problem of heresy through petitions, and debates in print over the right way to respond to heretics, and the power of the civil magistrate. We will pay particular attention to arguments for and against the proposed legislation against heresy, and conversely liberty of conscience. Finally, we will end by assessing the increasing power of the New Model Army and Independents, as reasons for MPs' failure to have Best executed as a public demonstration against the evils of heresy.

Parliamentary diarist Lawrence Whitaker, recorded that on 10 June 1645 the Westminster Assembly received and read out a letter written by John Shaw, 'Minister of Hull on ye behalfe of himselfe & all ye Ministers of Yorksheire yt – there was amongst them a Minister named Paul Best' who by 'preaching & writeing' for twenty years had 'published most Blasphemous tenents ag[ains]t ye 3 persons in Trinity & particularly ag[ains]t ye Deity of Jes: Christ & ye Ho.Ghost'. Whitacre added that the ministers of York had themselves interrogated Best, and forwarded their twelve questions 'propounded to him out of his writings together with his answers', which were 'blasphemous' and 'shifting', to the Committee of Plundered Ministers for referral to the House of Commons, to consider 'of what they thought fitt to be inflicted on ye offender.'³ Best's case was discussed in Parliament, the Westminster Assembly, and was also reported and debated in the press; his errors and his obstinate refusal to renounce them came to represent very different things to diverse people. For many of the mainstream orthodox, particularly those seeking to establish a Presbyterian national Church, here was living proof of the outcome

³ British Library [BL], Additional MS. 31.116, Entry 'June 10th 1645', 'Lawrence Whitacre's Parliamentary Diary'

of relaxing censorship and the need for a clear outline of orthodoxy/heterodoxy, and a strong ecclesiastical government and system of punishment for religious offences. For others, who variously queried aspects of a national Church government or held reservations about imposing doctrines against the individual conscience and understanding, the outcome of Best's case would portend an established process for suppressing all future dissenters, of whatever hue. Best's case raised contentious issues amongst the godly, not only over definitions of heresy and orthodoxy, but also arguments for liberty of conscience which clashed with rigid assertions of the need for magisterial coercion and punishment of religious offenders. Furthermore, the laws and disciplinary bodies previously employed against heretics were no longer viable.

As demonstrated in chapter one, when Puritans came into a position of power in the Long Parliament in the early 1640s they inherited a complex Protestant legacy, particularly in terms of discipline. As a result of the infamous reputation that the church hierarchy, and specific institutional bodies and procedures had acquired through their deployment against Puritans (particularly during Charles' personal reign), when Puritans in Parliament assumed charge these were one by one dismantled – in order to protect the 'godly', and to renovate the church along Reformed lines. This was a slow and complex process as the godly debated in detail what form the replacement settlement should take. Although total abolition of Episcopacy was called for in the Root and Branch petition of December 1640, it was not officially removed until 1646.⁴ Though the abolition of Star Chamber, the High Commission, and Episcopacy were undoubtedly seen as triumphs over channels of corruption and tyranny, their absence presented all new difficulties for reforming and disciplining the church. Or as Martin Ingram writes, church courts had existed and 'performed such complex functions' for so long that it was difficult to find a substitute:

⁴ Warfield, Benjamin. Breckinridge, *The Westminster Assembly and its work*, (London: Oxford University Press, 1931), pp. 8-9

‘Only when they had gone did it become apparent what an important role they had, for all their imperfections, managed to play. In the next 20 years a dismayed clergy, puritan and otherwise, was to discover what it was to exercise their ministry without the aid of a system of public discipline.’⁵

In place of a Convocation of bishops with canonical authority, a Parliamentary Ordinance (June 1643) established an Assembly of Divines at Westminster to construct, under the supervision of Parliament, a new religious settlement for the English Church.⁶ In this endeavour Warfield argues that settling “the Government and Liturgy of the Church of England” was of central importance and removing “false aspersions and interpretations” from the Church’s doctrines was an added secondary concern.⁷ However recently, Chad Van Dixhoorn has convincingly challenged this trend in historiography, arguing that the Westminster Assembly spent the greater part of its time debating theological rather than ecclesiological issues. He further suggests that ecclesiological differences stemmed from varying approaches to theological method and Scriptural hermeneutics.⁸ This suggestion is borne out by discussion of Scriptural interpretation in this, and the following chapters.

Throughout the 1640s, Assembly divines alongside Parliament, debated and worked towards implementing this new settlement through the definition of correct theology in a Confession of Faith and catechisms; instructions for services (in what became the Directory of Common Worship); and, a far stickier issue and vital to this

⁵ Ingram, Martin, ‘Puritans and the Church Courts. 1560-1640’, in Durston, & Eales, *The Culture of English Puritanism*, p. 91

⁶ 121 Divines were joined by 10 peers and 20 members of the Commons, see: Warfield, *The Westminster Assembly and its work*, p. 12; despite a royal proclamation prohibiting the Assembly from meeting, see: *Ibid.*, p. 17; the Westminster Assembly sat from 1 July 1643 to 25 March 1652, although it was of limited relevance after 1649, see: *Ibid.*, p. 70

⁷ *Ibid.*, pp. 12-13

⁸ Van Dixhoorn, Chad, ‘New Taxonomies of the Westminster Assembly (1643-52): The credal controversy as case study.’ *Reformation & Renaissance Review: Journal of The Society For Reformation Studies*, 6:1 (2004), pp. 82-106

chapter, the form church government/discipline should take.⁹ However, prior to the erection of the Assembly, by 1641 there was clearly disagreement amongst Parliamentarians over what the visible Church and its reformation should look like. Presbyterianism, which proposed a uniform, compulsory national church, regulated by a hierarchy of parochial elderships, regional committees and finally a general assembly generated strong support amongst mainstream Puritans. The pressure to establish Presbyterianism was increased by an alliance against Charles made with the Scottish Covenanters in August 1643, upon the basis of the Solemn League and Covenant. This agreed to preserve Reformed religion in Scotland, and to reform religion in England and Ireland: ““in doctrine, worship, discipline and government, according to the Word of God, and the example of the best reformed Churches””.¹⁰ As Coffey, and Hughes point out, to the Scots and most of the Assembly, this Covenantal pledge meant the erection of Presbyterianism; however there was an increasingly vocal and controversial minority of the godly (including MPs and members of the Assembly), who argued for permitting the establishment of orthodox (e.g. Reformed), autonomously governed congregations.¹¹

The conviction that a truly biblical church was one composed only of the voluntarily gathered godly, had led a number of Puritan clergy to emigrate, during Laudian oppression in the 1630s, to America and the Netherlands. When of these, Jeremiah Burroughes, William Bridge, Sidrach Simpson, Joseph Symonds, Philip Nye and Thomas

⁹ Preparation began August 1644, and in the Assembly April 1645, and the Confession was finally published June 1648, see: Warfield, *The Westminster Assembly*, pp. 156, 341-342, 59-60
Discussion began before November 1644, the Larger Catechism was finished and sent to Parliament October 1647, passed by the Commons July 1648 but never ratified in the Lords; the Shorter Catechism was finished and sent to Parliament November 1647, and ratified September 1648, see: *Ibid.*, pp. 63-64
The Directory was finished rapidly by the end of 1644, and established by Parliamentary Ordinance January 1645, for use in all public places of worship, see: *Ibid.*, p. 45

¹⁰ Coffey, *John Goodwin*, p. 101; the Scots in November 1647, assured Parliament of their swift adoption and implementation of the above-mentioned church reforms, an endorsement that was not mirrored by their English allies, see: Warfield, *The Westminster Assembly*, p. 69

¹¹ Coffey, *John Goodwin*, p. 101; Hughes, Ann, 'Religion, 1640-1660', pp. 355-356, in Coward, Barry, (ed.), *A companion to Stuart Britain*, (Oxford: Blackwell Publishing, 2003)

Goodwin, returned to England in the early 1640s, they were influential in their promotion of the Congregational Way.¹² These divines, who came to be known as the Dissenting Brethren, presented their case for Congregationalism, *An Apologeticall Narration*, to Parliament in early 1644. Rejecting the ‘insolent title of *Independencie*’ ‘affixed’ to them, they argued their position consisted ‘in a *middle way* betwixt that which is falsly charged on us, *Brownisme*; and that which is the contention of these times, the *authoritative Presbyteriall Government*’.¹³

The influence of such arguments for separating the profane from the holy is evident in the concern expressed in the Assembly to restrict the receiving of the Sacrament to the godly; a petition which, according to Robert Baillie a Scottish Commissioner in the Assembly, the Commons appeared ‘resolute to refuse’. The importance of this appeal for exclusion is illustrated by Baillie, who wrote (with obvious subjectivity) that this was considered the ‘Church’s divyne right’ to prevent the ‘prophaning the Holy table.’ Furthermore, within the context of fears over separation from the Church he claimed that the Assembly say: ‘upon this point...depends their standing, all the godly being resolved to separate from them, if there be not a power, and care, to keep the prophane from the Sacraments.’¹⁴ In a letter home to his wife, Sir Charles Erskine, another Scottish Commissioner attendant at the Assembly, wrote on 12 March 1645 of the troubles in London: ‘The Independent faction was strong and like to do much mischief, if God in his wisdom did not prevent it.’¹⁵

¹² Coffey, *John Goodwin*, pp. 58-59

¹³ Goodwin, Thomas, *An apologeticall narration, humbly submitted to the Honourable Houses of Parliament. By Tho: Goodwin, Philip Nye, Sidrach Simpson, Jer: Burroughes, William Bridge*, (1644), pp. 23-24; this middle way they explain gives power of government and discipline to a ‘combined *Presbyterie* of the *Elders* of several congregations’ in greater matters, yet allows particular congregations to be self-governed by its own Elders. *Ibid.*, p. 12

¹⁴ BAILLIE, ‘PUBLICK LETTER’ 1645, p. 307

¹⁵ Great Britain. Royal Commission on Historical Manuscripts, *Fourth Report of The Royal Commission on Historical Manuscripts, Part 1*, (London: H.M. Stationery Office, 1874), pp. 521-522

There was also further contention over who would hold final authority over the Church; Parliament regarded the proposed Presbytery with deep suspicion, and as Warfield points out, refused to allow any church government or body (including the Assembly) ‘independent or final jurisdiction even in spiritual matters.’¹⁶ This location of authority was also evidently controversial amongst divines, as within the Assembly fierce debate was occasioned by the proposition that: “‘The Civil Magistrate hath authority, and it is his duty to provide that the word of God be truly and duly preached, the sacraments rightly administered, church government and discipline established and duly executed according to the word of God.’”¹⁷ This Erastian form of government, which would make Parliament (as the highest civil authority in the ‘absence’ of the king), the final arbitrator and defender of the Church, was particularly opposed by the Scottish who viewed it as a weak form of Presbyterianism. In one of Baillie’s letters, he requested prayer against ‘occasion of great evil’, that most of the House of Commons were ‘either half or whole Erastians, believing no Church-government to be of divine right, bot [but] all to be a humane constitution, depending on the will of the magistrates.’¹⁸

As Hughes emphasises, there was friction between a diversity of both lay and clerical Parliamentary aims; Presbyterians, though now in the seat of power were being thwarted, for ‘the long-prayed-for church reform was being sabotaged by the delaying tactics and outright resistance of Independents’.¹⁹ The resulting delay over establishing government and the interim lack of discipline was blamed by many Presbyterians for the eruption of heresies and the increasing numbers separating from the Church which they were witnessing. It was widely hoped that if a Presbyterian government could be swiftly established, then, as Baillie wrote: ‘the heresies, the schisms, the ignorance, and

¹⁶ Warfield, *The Westminster Assembly*, pp. 14-15, 37-38

¹⁷ ‘Sess. 430. May 6, 1645. Tuesday morning’, *MINUTES*, VOL. III, p. 592

¹⁸ *BAILLIE*, ‘PUBLIC LETTER’ 1645, p. 307

¹⁹ Hughes, *Gangraena*, p. 151

profanities, which doe exceedinglie everywhere here abound, shall quicklie, if not evanish, yet be diminished.²⁰

This belief emanated from the widespread understanding that the outward conformity of lay-folk, in attending and participating in the collective rites of services, would unify, regulate and educate people in the established orthodoxy. Now that systematically punishing recusancy was impossible (and/or undesirable), church attendance was well-nigh, if not officially, voluntary. Furthermore, opposition to Episcopacy, estrangement from the Supreme Governor of the Church, and effective denial of Charles' authority on the grounds of his alliance with Papists left only the bastions of Parliament and an educated ministry to preserve orthodoxy.²¹ It was feared that these defences would be inadequate to halt the advance of heterodox challenges; even when orthodox doctrine was clearly defined, without the means of enforcing acceptance – or at least exposure to it – even an outward uniformity of belief and practice could not be expected. Seen in this light establishment of ecclesiastical government and discipline, to enforce compulsory attendance, was essential for keeping the people hedged in with Reformed orthodoxy. Authorising gathered churches therefore would be a derailing of the train taking England towards a fully Reformed church. Even if, as more moderate Presbyterians conceded, Congregationalists were not *intending* to bring about an influx of heterodox beliefs and practices – this would be the consequence of setting aside enforced attendance and a government with jurisdiction over the whole English Church, a notion that was counter-intuitive to centuries of Catholic, as well as more recent Protestant tradition.

²⁰ BAILLIE, ['PUBLICK LETTER' 1645], pp. 306-308

²¹ For estrangement from the king, see: Coward, Barry, *The Stuart Age: England, 1603-1714*, (Harlow: Pearson Education LTD, 2003), pp. 189-204

Debating this very issue in the Assembly on 25 April 1645, Presbyterian minister Stephen Marshall objected that if any who scrupled over the lawfulness of ‘a classical’ church government were permitted to join the Independents, then ‘By the same rule’, any who have scruples within the ‘Independent way’ must be given leave ‘to joyne with the Brownists, & the Brownists with the anabaptists.’²² Baillie wrote on 19 April 1644, that the Independents resolutely opposed those seeking to establish a Presbyterian church, and he voiced fear over the beginning of schism, whereby: ‘lykelie after that, we will be forced to deal with them as open enemies’. He blamed Independents, ‘most unhappie instruments’, as the ‘principall, if not sole causes’ of Parliament’s delay in establishing an Assembly, and the Assembly’s inability to conclude anything. ‘In the mean time they, over all the land, are making up a faction to their own way, the farr most part whereof is fallen off to Anabaptisme and Antinomianisme. Sundrie also to worse, if worse needs be: the mortalitie of the soule, the denyall of angels and devils, and cast off all sacraments, and many blasphemous things.’²³ As Presbyterian preacher and polemical author Thomas Edwards later wrote, they could: ‘thanke Independency and Independents for all these errors, heresies, blasphemies, and all other evils in our Church...and I do here as a Minister of Jesus Christ charge upon the consciences of the Independents all the confusions and mischiefes we lie under, as having been the great meanes of hindring and delaying the settling of Church Government...so they might the better fish in troubled waters’.²⁴ Edwards was horrified by the way that errors, blasphemies and heresies were publicly promulgated as a result of collapsed censorship and the instruments of government that had previously repressed religious unorthodoxy; by 1644 he preached weekly against sects at Christ Church, Newgate, and in 1646 he produced his famed heresiographical, three-part

²² See: ‘Sess. 422. April 22, 1645. Tuesday morning’, *MINUTES VOL. III*, p. 585

²³ *BAILLIE*, ‘FOR MR. WILLIAM SPANG. Fryday, Apryle 19th 1644’, p. 168

²⁴ Edwards, *GANGRAENA*, p. 129

work, *Gangraena*, cataloguing the numerous and horrible contemporary errors and their perpetrators.²⁵

Within the Assembly however there was uncertainty and disagreement over how to, or whether they legally could, define heresy. Van Dixhoorn writes that on 22 September 1643 John Seldon attempted to persuade the Assembly on behalf of the Commons to define heresy, which they ‘declined to accept’. He argued that the Commons could not proceed against ‘them that have already disturbed you’ without being informed which things are ‘direct Herisyes’. A debate ensued; for some this was a task as simple as declaring contravention of the Covenant to be heresy, others expressed caution noting that erring did not necessarily make a man a heretic. Gataker raised the discrepancy between the New Testament signification of heresy as a sect or faction, and the definition of heresy by human laws, adding that it had been disputed in Legate’s case whether a law even existed to ‘determine herisy or burne an Heretique’ (see chapter one and below).

Dr Burgess responded to Seldon that he feared it unsafe ‘for us to terme anything a Herisy in language of an Assembly’. The transcription follows that: ‘The law of 10 Eliz. doth appoynt...provided contrary to the 4 generall counsellis or a power from the P[arliament]’. Seldon argued in turn that this was irrelevant to them relating ‘to that court that is taken away’, meaning presumably, the High Commission. Van Dixhoorn’s footnote for this exchange comments that it is unclear which statute Burgess and Seldon refer to.²⁶ Whilst there are no statutes listed for the tenth year of Elizabeth’s reign in *The Statutes of the Realm*, it is suggested here that Burgess actually intended to refer to part XX of ‘I. Eliz. c. I’, ‘AN ACTE restoring to the Crowne th[e] au[n]cynt Jurisdiction over the State Ecclesiasticall and sp[irituall], and abolishing all Forreine power repugnaunt to the same’. The marginal note for which reads thus: ‘Ecclesiastical Commisioners shall not adjudge

²⁵ *Ibid.*, pp. 16-17

²⁶ ‘Sess. 62. Sept. 22. Fryday morning’ [1643], *MINUTES Vol. II*, pp. 145-146

Matters to be Heresy, unless so declared according to Scripture by the first four General Councils, &c. or the Parliament and Convocations.²⁷ The issue, as we discuss below, was one of authority to determine and police doctrine.

When Best's heresies were brought to the attention of the Assembly and Parliament in 1645 therefore, his case was presented within this context of a partially constructed and contested ecclesiastical settlement where the legal means to define and punish heresy were far from straightforward. There was increasing alarm over heterodoxy on the one hand, and anxiety to prevent oppression of the godly conscience on the other. To Best's case we now turn.

Paul Best

Over the 1640s, and more so in the 1650s there developed a heightened concern over Socinian influence in England. In May 1644 John Biddle, an Oxford graduate and schoolmaster in Gloucester, was reported by Presbyterian clergy and imprisoned by the Gloucester civil magistrates for espousing anti-Trinitarian views. Brought before and examined by Parliamentary Committee, under duress he confessed 'that there are "three in that divine essence commonly called Persons,"' which secured his release. However, Biddle's arguments against the deity of the Holy Spirit written in December 1644, resulted in another interrogation by Parliamentary Committee, and imprisonment, before release on 2 December, 1645.²⁸ In the absence of Episcopal courts it was to the civil magistrates that Gloucester clergy turned for assistance with discipline, although this does not appear to

²⁷ 'Statutes of Queen Elizabeth...1558-9; I Eliz. c. I, XX', in *The Statutes of the Realm. Printed by Command of his Majesty King George the third. In pursuance of an address of the House of Commons of Great Britain. From Original Records and Authentic Manuscripts. Volume Four – Part One [1547-1624]*, p. 354

²⁸ Lim, *Mystery Unveiled*, pp. 38-39

have been wholly peculiar to the 1640s.²⁹ To Biddle we will return in greater detail in chapter five.

It was amidst heightened awareness of existent heterodoxies, Presbyterian/Congregationalist power-struggles, and more specifically, debate in the Assembly over ‘the scandalous sines for which any are to be kept from the sacrament’ in May and June 1645, that the case of Paul Best came to the attention of Parliament and Assembly.³⁰ Coming from a minor gentry family in the East Riding of Yorkshire, Best graduated BA (1609-19) and MA (1613) at Cambridge, and was elected a fellow at St Catherine’s College in September 1617. In the 1620s and 1630s he travelled the continent, and served as a soldier to Gustavus of Adolphus of Sweden. He returned at some point to England and served in the Parliamentary army in 1644.³¹ His Cambridge chamber-fellow Roger Ley recalled his ‘quaint and curious searches in Philosophie’, his ability ‘to hould discourse with any man’ and delight in disputation ‘where he had opportunitie’. Ley claimed that during his travels in Germany, Poland and Transylvania, Best ‘was drawn to the dangerous opinion’ of ‘some Antitrinitarians’, which led to his ‘deniall of our Saviours divinitie.’³² Best’s preaching of his ‘enlightened’ views on the Trinity and nature of Christ, and his submission of some papers to a ministerial friend, led to his investigation and imprisonment on 14 February 1645; Best and his heretical views were then denounced to the Westminster Assembly by the clergy of York.³³ John Shaw, who penned the accusatory letter, wrote that Best had been disseminating his heresies through preaching and writing

²⁹ For example see the case of Hugh Leekey, indicted for blasphemous words: ‘Somerset Assizes Held at Taunton Castle, 12 August, 1639 before Francis Crawley, J. [ff. 260v-208r]’, Cockburn, J. S., (ed.), *Western Circuit Assize Orders, 1629-1648: a calendar; prepared for the Royal Historical Society by J.S. Cockburn, Camden Fourth Series, Vol. 17*, (London: The Society, 1976), p. 186

³⁰ ‘Sess. 448. June 5, 1645. Thursday morning’, *MINUTES VOL. III*, p. 612; a debate that was intimately entwined with those for erecting a Presbyterian government and the relationship of discipline within the Church to the civil magistrate, see: *The Form of Church-Government To be used In the Church of England and Ireland*, ([Thomason date, 4 September], 1648), pp. 27-40

³¹ Snobelen, Stephen. D, ‘Best, Paul (1590–1657)’, *ODNB*

³² *LEY’S COMMONPLACE BK*, f. 112v– f. 113r

³³ Snobelen, Stephen. D, ‘Best, Paul (1590–1657)’, *ODNB*

for two decades, which, if true, suggests a high level of tolerance for Best in the area in which he was known.³⁴ Perhaps his proselytization had increased to unendurable levels; K. Allison has argued that Shaw was a strict Presbyterian strongly opposed to Independency, and ambitious for influence and preferment.³⁵ By contrast William Sheils presents Shaw as a firmly committed but ‘not over-zealous’ Presbyterian; he was likely to have taken an interest in heterodoxy having been made secretary for the committee for scandalous ministers by Fairfax.³⁶ Local political instability perhaps also contributed to an atmosphere of anxiety about heresy that caused the Yorkshire ministers, after four months of failure to reclaim Best into the orthodox fold, to pass on the problem of dealing with him to the London divines.³⁷

Unlike in Yorkshire, reactions in London to the discovery and dissemination of Best’s heresies were initially prompt. Biddle’s examination only six months before undoubtedly cast Best’s anti-Trinitarianism in a more sinister light, although Biddle is not noted to have been mentioned in direct conjunction with Best’s case. Shaw’s letter occasioned the whole Assembly to report the case to the Commons the same day it was received, desiring Parliament to execute ‘condign Punishment upon an Offender of so high a Nature; that, in reference to the Crime, he may be made exemplary; that all the World may know, how much you detest such prodigious Blasphemies, and Heresies of so fearful a Nature’. The House ordered the Committee for Plundered Ministers to examine the truth of the information against Best contained in his notes and writings, and not to ‘meddle with any other Business, until they have dispatched this’. They were to bring ‘their Opinions to the House with all Speed, What they think fit to be done in this Business’. Paul Best was

³⁴ BL, Additional MS. 31.116, Entry ‘June 10th 1645’; for parallels see: Lake, & Como, ‘“Orthodoxy” and Its Discontents’, pp. 34-70

³⁵ Allison, K. J., (ed.), ‘Hull in the 16th and 17th centuries’: ‘Religious Life, 1642–60’, in *A History of the County of York East Riding: Volume 1: The City of Kingston upon Hull* (1969), pp. 90-171

³⁶ Sheils, William. Joseph, ‘Shawe, John (1608–1672)’, *ODNB*

³⁷ For Royalist insurrection around York, see: Walbancke, Matthew, (publisher), *A diary*, ‘Numb. 56’, (5 June –13 June, 1645), un-paginated

ordered to 'be forthwith committed close Prisoner' in the Gatehouse, and only those appointed by the Committee for Plundered Ministers were to converse with him. This Committee was empowered to summon and examine Best 'as they have Occasion'.³⁸ This seemingly urgent and determined start, however, was the beginning of a long drawn-out process of examination, and debate over attempts to legislate an 'exemplary' punishment for Best.

Biddle and Best generated increased sensitivity to the presence of corrupting, heretical, and especially anti-Trinitarian opinions. In the face of threats to what the orthodox godly viewed as the foundational creeds of the catholic Church, opposing heresy gained increasing importance and gave all members of the Assembly a common ground, (or common enemy), and respectable Independents a means for proving their dedication to purifying the Church.³⁹ However, as prior debate in the Assembly indicates this was not straightforward as although the Covenant was appealed to in September 1644 as one ground for suppressing heresy, what constituted heresy was not clearly defined. Indeed as Palmer's statement that 'whatsoever we beleive in our owne consciences to be Heresy & scisme, that we must indeavour to extirpate' reveals, heresy was recognised subjectively.⁴⁰ The resolve of the Assembly following discussion on 10 June, was to desire that the Commons and Lords would 'use that authority that God hath put into their hands for the vindicating the honour of God & of Jesus Christ', and that the 'liberty of **all** opinions & Religions, under the pretence of liberty of conscience, maintained in books & otherwise, lately published, may be speedily suppressed, which hath been the occasion of these & the

³⁸ '10 June 1645', *CJ V.4*

³⁹ Hughes, *Gangraena*, pp. 160-161; Baillie notes that a blasphemous book by Mr Archer 'called the Author of the very Sinfulness of Sinne' took up some time. *BAILLIE*, ['PUBLICK LETTER' 1645], pp. 306-308; discussion of this book that 'maintaines God to be the author of sin' and orders given for it to be burned are recorded in 'Sess. 467. July 11. [1645] Friday Morning', of the Westminster Assembly. *MINUTES VOL. III*, p. 631; this refers to the posthumously published book, *Comfort for Beleevers*, by John Archer who died in 1639. See, Capp, Bernard, 'Archer, John (d. 1639)', *ODNB*

⁴⁰ 'Sess. 281. Sept. 9. Munday morning', *MINUTES VOL. III*, p. 286

like Blasphemous opinions.’⁴¹ Determination against anti-Trinitarianism is evidenced the very next day, when Whitacre records that Gilbert Millington from the Committee for Plundered Ministers, reported a Jane Stratten of Southwark for: ‘some Blasphemous speches of God ye ffather & yt our Savior Christ was a Bastard...for th w[hi]ch opinion of ye co[m]m[un]itee was yt she should be set on ye pilliory & sent to bridewell for fi[v]e months it being proved by 3 or 4 witnesses, but ye ho: did thinke yt too meane a punishm[en]t for soe foule an offence’. It was resolved she should be charged and brought before the Lords, and the witnesses examined again under oath, in order to proceed against her ‘by a Legislative power according to her demerit’.⁴² Interestingly, the case of Stratten (and one John Hart) had been brought before the Assembly by the Surrey assize Judges eight months previously. The resolve on 17 October 1644 was to urge both Houses to ‘thinke of some severe law to be made against all such blasphemyes & Blasphemers for the time to come.’⁴³ Thus it appears that Best’s offences resulted in renewed attention to Stratten’s case, and precipitated her punishment.

Great effort was made to send members of the Assembly, Parliament and the Committee for Plundered Ministers to argue with Best and convince him to recant – but all to no avail. Following an examination on 7 July 1645, on 17 July discussing his case in a session of the Assembly, the Committee of Plundered Ministers ordered the committee appointed to examine Best’s case to confer with him again.⁴⁴ The Paul Best Committee conferred with him 11 September 1645, reading their report to the Assembly on Monday

⁴¹ My emphasis. ‘Sess. 451. June 10, 1645. Tuesday morning’, *MINUTES VOL. III*, pp. 614-615

⁴² BL, Additional MS. 31.116, Entry ‘June 11th 1645’

⁴³ ‘Sess. 306. Octob. 17, 1644. Thursday morning’, *MINUTES VOL. III*, p. 408

⁴⁴ ‘Sess. 471. July 17, 1645. Thursday morning’, *MINUTES VOL. III*, p. 636 ; ‘...Ordered: An addition to the committee for Best: Mr Ward, Mr Wilkinson, Jun., Mr Chambers, Mr Whitakers, Mr Carrill, Dr Temple, Mr Harris, Mr Guibon, Mr Lightfoot, Mr Price; to meet this afternoon.’ ‘Sess. 480. August 5, 1645. Tuesday Morning’, *MINUTES VOL. III*, p. 642; during Nayler’s case in 1656, Gilbert Pickering is noted to have quoted a remark made by Mr Seldon at one of Best’s examinations, ‘that he was a better man than he understood himself to be.’ [8 December 1656], *BURTON V.1*, pp. 64-65, it is unclear exactly what this meant, although Pickering is perhaps suggesting Best had been, like Nayler, misunderstood? See chapter five

15 September, who ordered it to be presented to the Committee of Plundered Ministers on Wednesday 17.⁴⁵ On 24 September in the Commons it was ordered that the following Saturday lawyers of the House attend the Committee for Plundered Ministers to prepare and present a report on Best's blasphemies to the House.⁴⁶

It was clear as debate over Best continued in the Assembly (and outside of it), that there were deeper issues at stake than simply the fate of one man. Best highlighted several significant problems to both Assembly and Parliament: Divines and MPs asked themselves, what were the most effective and Scriptural means for defining and suppressing heresy, and promoting and defending orthodoxy? Under what authority and means should an accused heretic be proceeded against, and what was to be done with him if persuasion failed and he refused to recant? Contention over administering civil punishments for heresy, is indicated in a November 1645 sermon by John White, who suggested there was considered to be no law in place allowing magistrates to employ the 'sword' against heretics.⁴⁷ Given that it had been over thirty-three years since a person had been executed by burning for heresy, and at that time by process of Episcopal trial and royal writ, Parliament faced a quandary over how to proceed. By winter 1645 things were certainly dragging, whilst Best's proselytization had evidently not been halted by confinement, as the Minutes of the Assembly for 16 December record that some members had given information about Best's 'venting by writing and otherwise, & spreading of his blasphemous Heresyes since the time of his restraint'. The 'Paul Beast' Committee was instructed to inform the Committee for Plundered Ministers of this and 'desire that some speedy course may be taken for the preventing of it'.⁴⁸ The Committee for Plundered

⁴⁵ 'Sess. 501. Sept. 11, 1645. Thursday morning'; 'Sess. 503. Sept. 15, 1645. Monday morning', *MINUTES VOL. III*, pp. 663, 665

⁴⁶ '24 September 1645', *CJ V.4*

⁴⁷ White, John, *The Troubles of Jerusalems Restoration*, (London: 1646), pp. 57-58

⁴⁸ 'Sess. 555. Decemb. 16, 1645. Tuesday morning', *MINUTES VOL. III*, p. 722 [Van Dixhoorn notes that part of this information was recorded in the margin]

Ministers recorded complaints on 28 December against the Gatehouse Keeper that Best “‘hath the use of the pen and ink’”.⁴⁹ As Best also produced several printed petitions, including one of 2 January 1646, and a pamphlet in 1647, it is apparent that the measures taken to restrict his communication were somewhat inefficient.⁵⁰

28 January 1646 was the public fast day, and Joseph Caryl and Richard Vines preached before the Commons, both on the subject of the necessity of purity for those desiring to be close to God.⁵¹ We will return to the significance of these sermons with discussion of Best’s printed pamphlet below. Best’s publications from the Gatehouse perhaps precipitated the conclusion amongst some MPs that Best deserved the death sentence, for on this day following the sermons, Millington again reported in the Commons ‘the Opinions and horrid Blasphemies of *Paul Beast*’, namely: ‘denying the Trinity of the Godhead, the Deity of Christ, and of the Holy Ghost, with several other monstrous and unheard-of Blasphemies: In all which he continued pertinacious and obstinate’, reporting further, ‘What had been done upon Offenders, in like Cases, in former Ages; and particularly in the Case of one *Legatt*, who was burned in *Smythfield*’.⁵² The reference to Bartholomew Legate is significant, not only because he was also an anti-Trinitarian, but because he was an example of an obstinate heretic who was imprisoned for ‘far more than a decade’ before being burned 18 March 1612.⁵³ This reference to Legate’s punishment is a clear attempt to persuade Parliament through an appeal to precedent that the ‘monstrous and unheard-of Blasphemies’ in Best’s case justified the infliction of like-treatment. We will return to the significant point that he is accused of ‘blasphemies’ here and not ‘heresies’, and the blurring of the terms blasphemy and heresy, below in chapter four.

⁴⁹ Add. MS. 15, 669, fol. 238. Cited in McLachlan, H. John, *Socinianism in Seventeenth-Century England*, (Oxford: Oxford University Press, 1951), p. 153

⁵⁰ Snobelen, ‘Best’, *ODNB*; McLachlan, *Socinianism*, p. 153

⁵¹ Caryl, Joseph, *Heaven and earth embracing*, (London: 1646); Vines, Richard, *The purifying of unclean hearts and hands*, (London: 1646)

⁵² ‘28 January 1646’, *CJ V.4*

⁵³ Atherton, & Como, ‘The Burning of Edward Wightman’, p. 1240

Millington continued with his report, outlining the ‘Opinion’ of the committee of 27 September 1645, which was that upon considering and examining ‘the Case of *Paul Best*, concerning the prodigious Blasphemies charged against him,’ they found the accusations proved true. Therefore, ‘finding that the former Course of Proceeding against Hereticks is, by the Taking away of the Power of Ecclesiastical Courts, defective’ and ‘the Matters concerning him being reported to the House,’ they desired MP’s judgement in it.⁵⁴

The consequent resolve of the House was, ‘That an Ordinance be prepared, and forthwith brought in, for punishing with Death *Paul Best*, for his abominable, prodigious, horrid Blasphemies’. The Committee for Plundered Ministers joined by ‘all the Lawyers of the House’ were to make report by the next Wednesday, and ‘They are further then to state unto the House the Matter of Law, How it stands at present in Cases of this Nature.’⁵⁵

Parliament is here clearly appropriating the power to institute the death penalty for heresy, a right which had throughout English Protestant history been reserved only to the monarch’s authority by royal writ. On 28 March an Ordinance sentencing Best to hanging ‘by the Neck, till he be dead’, was read twice in the Commons; the Journal then circumspectly notes ‘nothing more done at this Time’, except to order Best to the Bar to be charged, entrusting the Committee for Plundered Ministers to manage ‘the Charge and Evidence’ against Best by Saturday 4 April.⁵⁶ This clearly indicates that there was still strong division in Parliament over inflicting the death penalty; perhaps it was also considered that punishing Best’s heresy by legislation drawn up after his offence had been reported would be to set a dangerous precedent. Similar concerns recur with Nayler’s case as we see in chapter five. *A Perfect Diurnall* reported that on this Saturday Best confessed his hope to be saved by the Trinity but persisted in denying the ‘tripersonality’ as ‘impious

⁵⁴ ‘28 January 1646’, *CJ V.4*

⁵⁵ *Ibid*

⁵⁶ ‘28 March 1646’, *CJ V.4*

and Jesuiticall’, and so the cycle of debate and examination continued.⁵⁷ Intriguingly, in addition to entreating ‘formerly appointed’ divines to make Best ‘sensible of his Errors, and to reclaim him from them’, the Committee is left ‘to allow him such Liberty as they shall think fit; and to give Liberty to such to visit him as they shall see Cause.’⁵⁸

Parliament’s resolve of 28 January to provide a way to punish Best by drawing up an Ordinance against him was publicised in the Parliamentary news-books which reported on its proceedings. This reportage clearly demonstrates vacillations in the development of Best’s case before Parliament, and the way in which other concerns and opposition to his intended punishment hindered decisive action.⁵⁹ This is illustrated when reviewing the news-books between June 1645 and July 1647, for during this period Best is mentioned no less than nineteen times (three in June 1645, thirteen between March and May 1646, yet only three subsequently, in July 1647). After a substantial description for 4 April 1646 (and until July 1647) many of the references to Best in the newsletters are short vague statements that Best had been summoned for further examination or that consideration of his case had been postponed.⁶⁰

On Wednesday 15 April 1646, proceedings were deferred till Saturday 18.⁶¹ On the Saturday, ‘in respect other great affaires were in agitation, it was Ordered that he should appeare at the Bar of the house of Commons on Wednesday next’.⁶² Upon this next occasion, ‘in respect of other weighty business, it was Ordered to be put of till Thursday

⁵⁷ [Mistakenly noted as Saturday ‘4 March’] Pecke, Samuel, (ed.), *A perfect diurnall*, ‘Numb. 140’, (30 March – 6 April, 1646), p. 1126

⁵⁸ ‘28 March 1646’, *CJ V.4*

⁵⁹ For an example of anxiety over who would be defined as a heretic as a result of this forthcoming legislation, see: [Saltmarsh, John, (ed.)], *Perfect Occurrences of both houses*, ‘Numb. 38’, (11 September – 18 September, 1646), Wednesday 16 September, un-paginated

⁶⁰ For example: [Saltmarsh], *Perfect Occurrences of both houses*, ‘Numb. 16’, (10 – 17 April, 1646), Saturday 11 April, un-paginated; Pecke, *A perfect diurnall*, ‘Numb. 141’, (6 – 13 April, 1646), Saturday 11 April, p. 1133

⁶¹ Bates, Thomas, (publisher), *Mercurius civicus*, ‘Numb.150’, (9 – 16 April, 1646), p. 3210; Pecke, *A perfect diurnall*, ‘Numb. 142’, (13 – 20 April, 1646), Wednesday 15 April, p. 1138

⁶² Pecke, *A perfect diurnall*, ‘Numb. 142’, (13 – 20 April, 1646), Saturday 18 April, p. 1140; [Saltmarsh], *Perfect Occurrences of both houses*, ‘Numb. 17’, (17 – 24 April, 1646), Saturday 18 April, un-paginated

come seven night'.⁶³ On Thursday 30 April debate of Best's 'businessse' was not permitted due to 'other extraordinary occasions', so Best was summoned instead along with lawyers of the house on Friday 'seven night'.⁶⁴ Curiously, *The Scottish Dove* relates, as being of 'speciall note' that on Thursday (30 April) the house considered taking course to suppress doctrinal errors, and heresies as 'frequently taught at private Conventicles'; a committee of suitable clergymen were elected for 'that businessse'.⁶⁵ It seems then, that MPs had turned their attention to the broader issue of suppressing error and heresy. After the summons of 30 April, no Friday hearing is mentioned, and the news-books fall silent about Best, until denunciations of his printed pamphlet appear on 24 July 1647, hereafter they again fall silent.⁶⁶ The earlier references in 1646 speak only of 'the Ordinance for punishing with death Master *Paul Best*'.⁶⁷ However, from the end of April 1646 Best's name is not coupled with it. This is clearly mirroring a trend in Parliament, as 29 April 1646, following on from a fast sermon that included heresies amongst abuses that needed opposing (see chapter three), members of the Assembly were ordered to bring in an 'Ordinance for the Prevention of the Growth and Spreading of Heresies and Blasphemies, and for the Punishment of Divulgers and Assertors of them'.⁶⁸ Hereafter it is simply 'an Ordinance of Parliament for the punishing of heresie and blasphemy', and rather than a Paul Best

⁶³ Although the previous order was to discuss Best again on Wednesday 22, this discussion is recorded as occurring on Tuesday 21 April, perhaps an error, or it was brought forward a day. Pecke, *A perfect diurnall*, 'Numb. 143', (20 – 27 April, 1646), p. 1145

⁶⁴ Pecke, *A perfect diurnall*, 'Numb. 144', (27 April – 4 May, 1646), Thursday 30 April, p. 1155; Alsop, Bernard, (publisher), *The Weekly Account*, 'Numb. 19', (29 April – 6 May, 1646), Thursday 31 [an error, it meant 30] April, un-paginated

⁶⁵ Chapman, Laurence, (publisher), *The Scotish dove*, 'Numb. 132', (29 April – 6 May, 1646), pp. 644-655

⁶⁶ Pecke, *A perfect diurnall*, 'Numb. 208', (19 – 26 July, 1647), Saturday 24 July, p. 1652; Dillingham, John, (ed.), *The moderate intelligencer*, 'Numb. 124', (22 – 29 July, 1647), Saturday 24 July, p. 1190; Ibbitson, Robert, (ed.), *Perfect occurrences of every dayes journall*, 'Numb. 30', (23 – 31 July, 1647), Saturday 24 July, p. 165

⁶⁷ Pecke, *A perfect diurnall*, 'Numb. 119', (23 – 30 March, 1646), Saturday 28 March, pp. 1105 [an error, it meant 1117]-1118

⁶⁸ '29 April 1646', *CJ V.4*

Committee, a ‘Committee to examine the broaching of Heresies’.⁶⁹ This indicates a shift from considering Best’s individual case to beginning the assemblage of a general Ordinance for punishing heresy and blasphemy. The delay that ensued however in the passing of the Heresy Ordinance as a result of Parliamentary disagreement and broader public opinion was the cause of concern.⁷⁰ We will turn now to the specific challenge that Best and anti-Trinitarianism posed, and then imitate the trend of 1646 by branching out, to consider the impending heresy Ordinance as well as Best’s predicament, through the lens of public reactions.

Anti-Trinitarianism: Paul Best, Scripture and the Early Church

So, why did ‘orthodox’ ministers respond with such hostility to Best’s views, that his name was associated with the Apocalyptic ‘Beast’?⁷¹ What made them ‘abominable, prodigious,’ and ‘horrid’? Best deliberately set forth his beliefs in a pamphlet, *Mysteries Discovered* which he had printed whilst still confined to the Gatehouse in 1647, which the outraged authorities promptly burned.⁷² Of the Trinity he declared to believe: ‘the Father to be God himself,’ ‘the Son is our *Messiah*, [John] 4. 26. whom God made Lord and Christ,’ and ‘the holy spirit is the very power of God,’ or ‘the Father God above all, *Ephes.* 4. 6. the Son of God with us, *Matth.* 1. 23. the holy Spirit God within us, 1 *Cor.* 2. 16’. Although he

⁶⁹ Pecke, *A perfect diurnall*, ‘Numb. 163’, (7 – 14 September, 1646), Wednesday 9 September, p. 1306; Alsop, *The Weekly Account*, ‘Numb. 23’, (27 May – 3 June, 1646), Wednesday 27 May, un-paginated

⁷⁰ For concerns that the Ordinance harmonize with the Catechism and Creed being drawn up, see: Chapman, *The Scottish dove*, ‘Numb. 152’, (16 – 23 September, 1646), p. 44; for concern that debate over the Confession would delay the passing of the Ordinance, see: ‘To [the Earl of] Lauderdale: Memorandum to make our Friends sensible of the Importance of the Ordinance against Blasphemies and Errours’, *BAILLIE*, p. 396

⁷¹ See Revelation 13:1 ‘And I stode upon the sand of the sea: and saw a beast rise up out of the sea, having seven heads, and tenne hornes, and upon his hornes tenne crownes, and upon his heads, the name of blasphemie.’ 1611 *KJB*

⁷² ‘24 July 1647’, *CJ V.5*

could not find the son and father to be co-equal, or the Spirit a ‘distinct coequall person’, he believed ‘these three are one, or agree and conspire in the substance of the same truth to salvation.’⁷³ To make Christ co-equal he wrote is to make a ‘false Christ’ or ‘an Idoll Christ, or two Gods’.⁷⁴ Best argued that the ‘reall truth... hath been trodden under foot by a verball kinde of Divinity’ introduced by ‘Semipagan Christians of the third Century’, the successors of persecuting heathen emperors, and ‘begun by the first Nicen Council about 328’.⁷⁵ To argue for ‘hypostasticall union and communion of properties’ or that ‘God is not divided but distingoished into three equall persons,’ is contradictory, and ‘the froglike croaking of the Dragon, the beast and false Prophet, *Revel.* 16. 13. by vertue of a *Hocus Pocus* and a Babylonian mouth’.⁷⁶ Best identified himself with those ‘true and trusty souldiers of Jesus Christ, whose eyes the God of this world hath not blinded’, ending his pamphlet with a prayer that these would ‘do their utmost’ to free ‘the rest from that long captivity of our spirituall *Babylon*,’ and ‘that God would prosper’ the endeavors of students ‘of the sincere Truth’.⁷⁷ In his rejection of the Nicene definition of the Trinity, Best was opposing what was considered to be one of the principal foundational doctrines of Christianity.

To fully grasp the significance of the anti-Trinitarian challenge to the fundamentals, and how it mattered in the midst of factional infighting in the 1640s, the record of disputations held between Roger Ley and Paul Best sometime in 1647, lasting eight hours over four days, is illuminating.⁷⁸ Ley, as noted above, had been a fellow student and friend of Best’s; he was made curate of St Leonard, Shoreditch, Middlesex in the early seventeenth century. It has been suggested that it was he who first denounced Best to the

⁷³ Best, Paul, *Mysteries Discovered*, pp. 4-5

⁷⁴ *Ibid.*, p. 10

⁷⁵ *Ibid.*, p.11

⁷⁶ *Ibid.*, p.14

⁷⁷ *Ibid.*, p.16

⁷⁸ *LEY’S COMMONPLACE BK*, f. 113r. Though the disputation is reported by Ley, as Lim states it matches with what Best himself committed to print, see: Lim, *Mystery Unveiled*, p. 29

authorities, and he visited Best during his imprisonment and attempted to persuade him of his errors.⁷⁹ In Ley's manuscript record of these disputations with his erstwhile friend 'The seduced man', he entitles it 'A new Samosatene, Namely that error revived, discovered, and confuted'; as Paul Lim points out, Paul of Samosata was Bishop of Antioch 260-268 CE, and was a champion of anti-Trinitarianism.⁸⁰ From the start, this was a dialogue framed within the debates of the Patristic age; it was also a debate that centred on biblical hermeneutics. To begin with the latter, traditionally it had been held that certain aspects of faith contained mysteries which God did not intend humans to be able to fathom; Desiderius Erasmus included amongst these ambiguities presented in Scripture: the distinction of persons within the Trinity, the divine and human natures in Christ, and the unforgivable sin. Other things God intended to be completely clear such as instructions for a good life.⁸¹ For anti-Trinitarians, mystery, (and the metaphysical non-biblical language used to describe it), was a remnant of popery 'used to justify transubstantiation, tradition, and predestination, as well as the Trinity'.⁸² Lim calls Best's theology a version of a 'radically biblicist Christianity', one that rejected those Early Church creeds as corrupt accretions to the biblical text and an insult to reason, and an allegorical interpretation of Scripture as popish falsehood.⁸³ Similarly, Sarah Mortimer argues that anti-Trinitarians appealed to individual reason as a guide to Scriptural interpretation, as opposed to a clerical construction of 'language and metaphysics', which promoted mystery and 'esoteric religious doctrines designed to conceal the truth from the people and to increase their own power.'⁸⁴

⁷⁹ Lindley, Keith, 'Ley, Roger (1593/4–1668)', *ODNB*

⁸⁰ *LEY'S COMMONPLACE BK*, f. 112v; Lim, *Mystery Unveiled*, p. 36

⁸¹ Erasmus, Desiderius, *De Libero Arbitrio*, (Basel, 1524), cited in Lim, *Mystery Unveiled*, p. 1

⁸² Lim, *Mystery Unveiled*, pp. 37, 2

⁸³ *Ibid.*, pp. 21, 24- 32

⁸⁴ Mortimer, *Reason and Religion*, p. 165

The crux of the disagreement, Ley recalls, was that Best accused Trinitarians of ‘polytheogy,’ the ‘horrible impiety’ of multiplying Gods, whilst ‘we put on you a damnable sacriledge to rob Christe of his divinity’.⁸⁵ Best argued that Trinitarian doctrines oppose reason, whilst to Ley, religion was not against true reason, but it was above and against ‘carnall reason’, for ‘God himself is the fountaine of reason, by which reason must be tried’.⁸⁶ Disagreement stemmed from how Scripture was interpreted. Thus for example, addressing Christ’s co-equality and co-existence, Ley interpreted John 1:1 ‘In the Beginning was the word, and the word was with God, and the word was God, All things were made by him &c’ to mean ‘Christe therefore was in the beginning’, when God created heaven and earth. Best however, answered that Christ had no being ‘till he tooke flesh of the blessed virgin his mother’, and that the ‘beginning’ referred to by John, meant not creation in Genesis, but ‘the inauguration of him in baptisme’.⁸⁷

As Lim and Mortimer point out, part of the reason why (aside from the horror with which the opinions themselves were viewed), anti-Trinitarianism was regarded as such a threat was due to the way in which anti-Trinitarians argued or ‘proved’ the veracity of their claim to be the true heirs of Christ. Identifying true Christians as a persecuted group throughout history, enabled Protestants to discover a legitimate heritage and line of apostolic descent,⁸⁸ and as Lim writes, they pored over history to discover the first signs of cracks and flaws appearing in the Church.⁸⁹ As Best showed in debate with Ley, like those other infamous anti-Trinitarians, Legate and Wightman, he also laid claim to a continued tradition with origins in the Apostolic and the Patristic periods. Ley contested Best’s literal interpretation of Scripture (which Best employed to disprove the Trinity), and his

⁸⁵ *LEY’S COMMONPLACE BK*, f. 128r

⁸⁶ *Ibid.*, f. 126r, f. 126v

⁸⁷ *Ibid.*, f. 114r

⁸⁸ *Ibid.*, f. 128v - f. 133r, f. 133v- f. 134v; Bale, John, *The image of bothe churches*, (1545); Foxe, John, *Actes and monuments of these latter and perillous dayes ...*, (20 March 1563)

⁸⁹ Lim, *Mystery Unveiled*, p. 78

exposition of Revelation which applied its figurative and apocalyptic descriptions to history in a way that made anti-Trinitarians appear to be the persecuted true followers of Christ down the ages.⁹⁰ Although both Best and Ley identify Rome as Babylon, and the pope as anti-Christ, Ley argues that the persecution of the Church described in Revelation could not mean as Best argued, early bishops opposing Arians, because Trinitarians suffered equally under both Arian and pagan emperors; according to Ley, Rome was Babylon because it persecuted Christians in general, under emperors before the Church's apostasy, and under the pope thereafter. Part of the Protestant attempt to validate its separation from Rome and refute charges of innovation, as Ley illustrated it, had been the claim that when Boniface III, Bishop of Rome, 'exalted himself above all bishops' in Council, (607), the Church had become corrupted.⁹¹ Ley cites Tertullian who observed that in the parable the wheat was sown before the tares, and therefore 'That proceeds from the Lord and is true which is delivered first'; so he required the heretics to 'bring forth the originall of their churches', and 'a line of succession' for their bishops from either 'the Apostles themselves, or men Apostolicall.'⁹² Ley then proceeded to lay out the 'pettigree' of Best's heritage, including: Cerinthus, the Ebionites, Artemon, Eusebius, Theognis, and Paul Samosatenus of Antioch, as heretics holding Christological and millenarian errors.⁹³ He contested Best's appropriation of the bishops Eusebius and Arius as the forbears of Socinian thought, essentially arguing that Best twisted their thinking to make it appear more at odds with Nicene orthodoxy, and that even Arius' and Arians' reputations were smeared by Best's claim to affinity with them as, he and other Socinians were far further beyond the pale than Arius who at least did not deny the divinity of Christ or his role in

⁹⁰ LEY'S COMMONPLACE BK, f. 133r-f. 143r

⁹¹ Ibid., f. 131v; Lim, *Mystery Unveiled*, p. 36

⁹² Ibid., f. 128r

⁹³ LEY'S COMMONPLACE BK, f. 128r-f. 130r

creating the world.⁹⁴ According to the orthodox Protestant view then, the first through early seventh centuries, when the foundational Christian doctrines were formulated in creeds by councils, were untainted; according to anti-Trinitarians like Best, corruption of the Church began almost immediately after the Apostles, and before the formulations of Nicaea and Chalcedon, which were emblems of a false church forced upon those who adhered to the truth.

It is evident then, that the challenge of anti-Trinitarians like Best (and Biddle), hit Protestants at two of their weakest points: firstly, heterogonous interpretation of Scripture; secondly, heterogonous interpretation of Patristic writings and Early Church history.⁹⁵ In both of these theological and polemical minefields, the underlying issue – for all Christians, and now particularly Protestants – had always been one of authentic, verifiable authority. In an attempt to identify a continuing line of succession Protestants had to navigate the cloudy waters of Early Church history, back to a time when they considered the Church still to be pure in its teachings and institution. Thus the Fathers were highly significant to Protestants not only as the groundwork for their theology, but also in terms of their claim to authority and orthodoxy. The problem which anti-Trinitarians exposed, was that once authority was denied to the accumulated traditions and accepted wisdom (or imposed orthodoxy) formulated by centuries of councils and creeds, once reinterpretation of history had been invited, and the true Christians claimed to exist only as a persecuted minority – which re-interpretation was right? Which Fathers were the genuine Christians, and which were misguided and teachers of heresies? How much accumulated tradition, or which creedal statements had to be stripped away before, in renaissance humanist fashion, one discovered the primitive, pure teaching and practice of the Apostolic Church –

⁹⁴ Ibid., f. 129r- f. 130v

⁹⁵ For Biddle and Patristic interpretation, see Lim, *Mystery Unveiled*, pp. 53-60

untainted by human error, human/anti-Christian malice, and the clutter of the laws of men?⁹⁶

Following this train of thought to its logical conclusion, the Puritan appeal to the Bible as sole authority for deciding all aspects of religion, and among the more radical an insistence upon using only biblical terms and expressions for explaining religious truth, could have unintentionally subversive results.⁹⁷ However clearly and plausibly Trinitarian Protestants constructed their biblical exegesis, the lack of consensus within Protestantism weakened any claim to absolute authority based upon theological argument alone, as did an identity and lineage based upon a contested claim to ‘orthodox’ origins. Proving the continuance of the Church down the ages was also complicated by an insistence that this was demonstrated by adherence to totally correct beliefs compatible with Protestantism. In Ley’s words: ‘this church in all ages shall subsist, notwithstanding the great backsliding incident to all societies, The church will still be the ground and pillar of truth’; as Christ promised in Mathew 28:20 to be with his followers until the end of the earth, ‘Therefore fundamentall truth shall continue without interruption.’⁹⁸

Lim argues that Anti-Trinitarian heresy was considered ‘far more sinister than the radical religious groups marked by certain putatively deviate sexual or social mores’, for, ‘Whereas the fringe groups – their ideologies and actions – were easily identifiable as blasphemous and heretical, the antitrinitarians of Best and Biddle’s type were upstanding, rational, pious, and Bible-quoting Puritans with equal aversion to popery and Laudianism.’ They were also educated. They appeared to prove the Catholic critique of Protestantism

⁹⁶ For an overview of the application of *ad fontes* (e.g. turning to the original sources) to the Bible, see McGrath, Allister, *Historical Theology* pp. 115-117; see also, Coffey, ‘The toleration controversy during the English Revolution’, p. 56

⁹⁷ Anthony Tuckney objected to the view that theologians should use only ‘scripture words and expressions – in which all parties agree’ not words of fallible men, because he claimed this would put ‘“orthodox, papists, Arians, Socinians, and all the worst of heretiques...into a bag together”’. –cited in: McLachlan, *Socinianism*, p. 99

⁹⁸ *LEY'S COMMONPLACE BK*, f. 130v

generally, ‘Leave the mother church, put the Bible into everyone’s hands, and then a hermeneutical pandemonium was sure to break out.’⁹⁹

Scriptural authority and interpretation: the threat of individualism

It was to Scripture that Parliamentarians appealed to settle issues of orthodoxy, and yet as the Best/Ley disputation showed, there were varying understandings of how one arrived at the true meaning of the biblical text. The Reformed doctrine of Scripture produced at Westminster held that it was of divine authority and the source of all doctrine.¹⁰⁰ The Westminster Confession of Faith stated that ‘The Infallible Rule of interpretation of Scripture, is the Scripture itself’.¹⁰¹ It had only ‘one sense’,¹⁰² so interpretation should be consistent with all its parts, and plainer Scriptures used to explain the more obscure.¹⁰³ Those things ‘necessary to be known, believed, and observed for salvation,’ are clear enough for even ‘the unlearned’ to attain ‘sufficient understanding of them.’¹⁰⁴ The Confession’s first chapter ‘Of the Holy Scripture’ ends by affirming that: ‘The Supreme Judge, by which all controversies of Religion are to be determined, and all decrees of Councils, Opinions of ancient Writers, Doctrines of men, and private spirits, are to be examined; and, in whose sentence we are to rest, can be no other but the holy Spirit

⁹⁹ Lim, *Mystery Unveiled*, p. 39

¹⁰⁰ Scripture was debated between 7 – 18 July 1645, Warfield, *The Westminster Assembly*, p. 157; *Ibid.*, pp.161-190; *Ibid.*, pp. 191, 252

¹⁰¹ Chapter 1: IX; Westminster Assembly, *The confession of faith, and the larger and shorter catechism*, (1649), p. 7

¹⁰² As William Bridge wrote, ‘the Protestants hold, That there is but one Sense of a Scripture, though divers applications of it....Though the sense of the Scripture be but one intire sense, yet sometimes the Scripture is to be understood Literally, sometimes Figuratively, and Metaphorically (but alwaies Spiritually, for when it is taken Literally, it is taken Spiritually)’. Bridge, William, *Scripture-Light, the Most Sure Light*, (London: 1656) in Warfield, *The Westminster Assembly*, p. 252

¹⁰³ Warfield, *The Westminster Assembly*, pp. 251-252

¹⁰⁴ Chapter 1: VII; *The confession of faith*, p. 6

speaking in the Scripture.¹⁰⁵ Warfield explains this did not allow the Roman distinction between a Rule and a Judge, (Scripture and Spirit); nor did it mean the Spirit spoke only through certain divine parts of Scripture; nor, that the Spirit spoke and settled controversies only when the words of Scripture are recognised by the recipient to be of God; but that ‘whenever and wherever Scripture speaks, that is the Holy Ghost speaking’ and thus all controversies should be settled by Scripture.¹⁰⁶

The Reformed understanding of both interpretative method and biblical doctrine was however challenged by those who, like Best, adopted the Socinian method of interpreting Scripture by a rigid application of logic which allowed for no metaphysical meaning in the text. Others argued that the Spirit guided interpretation of Scripture, whilst more radical still were those who claimed the Holy Spirit instructed the believer directly. This could lead to an emphasis on divinely imparted knowledge and authority as a guide to truth, which superseded and overruled, or even made redundant, Scripture. Furthermore, it could radically imply that in and of itself learning did not bestow the ability or religious authority to correctly interpret Scripture, teach or preach; as the Holy Spirit could impart authority to anyone, educated, orthodox and ordained ministers who lacked the Spirit could be considered less qualified than an inspired layman.¹⁰⁷ Ephraim Pagitt warned that people should ‘Take heed’ of those who ‘pretend that they speake immediatly from God by revelation, as the illuminated *Anabaptists*, *Familists* and other *Enthusiasts* (make their proselytes beleeve:) or from the Oracle of Gods Word by an especiall insight given them from above, to interpret Gods Word.’¹⁰⁸ A radical appeal to revelation by, or emphasis on the indwelling of, the Spirit was identified throughout the seventeenth century with those groups with perfectionist and pantheistic beliefs, such as Familists and Seekers, and in the

¹⁰⁵ Chapter 1: X; *The confession of faith*, p. 8

¹⁰⁶ Warfield, *The Westminster Assembly*, pp. 254-255

¹⁰⁷ McDowell, *The English Radical Imagination*, p. 2

¹⁰⁸ Pagitt, Ephraim, *The mysticall wolfe*, (1645), p. 4

1650s Ranters, Muggletonians and Quakers.¹⁰⁹ As George Walker preached, a new Sect of Seekers ‘renounce the Scriptures as blinde guides, and wait for new lights to lead them to the true Religion which (as they conceive) is not yet to bee found, while the Temple is full of smoak: and in the mean time they will seek, and suspend, and fasten on no Religion, till the new lights appeare.’¹¹⁰

It was exactly these kinds of individualist claim to interpretative authority which prompted intense anxiety when it came to practices of reading Scripture, particularly uneducated lay people who were considered ill-equipped to arrive at a correct understanding of the complex parts of the Bible. Lay discussion of ambiguous aspects of theology was commonly believed would lead to confusion, division and in the worst-case scenario scepticism and irreligion. A popular trope for discussing this state of affairs was the figure of the ‘mechanick preacher’, and many pamphlets sneered at and reviled those ‘inspired’ to instruct others who lacked a university education. One such ended with a prayer that only those ‘well seen in the Scripture, Fathers, and Tongues’ be admitted to the ministry, so that people receive sound instruction, heresies and errors be suppressed, and the church and Government unified, and ‘beautified with peace, learning, and the splendor of true piety’.¹¹¹ Pagitt cautioned that since Church government was suspended Mechanick preachers seduce people from the Church by attacking ministers and perverting scriptures; novel Antinomianism, abolishing the need for repentance, lures simple people to ‘dance after their pipes,’ running ‘after these men as if they were mad’.¹¹²

¹⁰⁹ These were also linked in the popular mind with licentiousness, see: Marsh, *Christopher, The Family of Love in English society, 1550-1630*, (Cambridge: Cambridge University Press, 1994), pp. 236-237; Lim, *Mystery Unveiled*, pp. 73-102

¹¹⁰ Walker, George, *A sermon preached before the honourable House of Commons ... Januarie 29th, 1644* (1645), pp. 18-19

¹¹¹ Anon., *The Lay-Divine: OR the simple House-preaching Taylor*, (London: [Thomason date May 6] 1647); ‘Tongues’ e.g. the original languages of the Scriptures

¹¹² Pagitt, Ephraim, *Heresiography, or, A discription of the hereticks and sectaries of these latter times*, (London: 1645), Epistle Dedicatory to the Mayor, sig. A3v., A2r, v.

Defence of educated learning and ordination was not just an attempt to prevent the uneducated from imbibing erroneous teaching, or expounding Scripture and preaching because they feared they would reach radical or erroneous opinions, but it was also a response to attacks on the monopoly of educated people as the sole authoritative interpreters of the Bible, and authorities in matters of religion.¹¹³ Awkwardly, this had been an initial element of early evangelical anti-clericalism, and as Nicholas McDowell argues so effectively, inspired ideological commitment among some educated (radical) ministers in the 1640s and 1650s.¹¹⁴ Protestant attempts to limit the base of interpretative authority to only an educated clergy (from whom in theory a submissive laity received their sense of Scripture) was powerfully challenged – and as individual Bible reading, reasoning, faith and piety had been one of the strong currents of the reforming message and impulse, it was a challenge that was hard to diffuse.

Problematically, and contrary to much contemporary polemic, McDowell demonstrates that heterodox ideas often arose within University educated circles, or in dialogue with orthodox works of theology.¹¹⁵ After all, Best and Biddle were both university educated and noted for their scholarly abilities; despite the emphasis on mechanics it was uneasily recognised that the danger of self-pride and being led into error could beset not only the educated but also ordained ministers. Hence we find Mr Reynolds promoting ministerial self-denial during the course of a fast sermon, preached on 8 October 1645, ‘so, that we do not desire or affect a domination, but desire the promoting of the ordinances, that we may be the servants of the Church’.¹¹⁶ Rather than preaching new

¹¹³ Although a Presbyterian form of Ordination was only established by Ordinance 29 August 1648, see: ‘August 1648: An Ordinance for The Form of Church Government to be used in the Church of England and Ireland, agreed upon by the Lords and Commons assembled in Parliament, after Advice, had with the Assembly of Divines.’, *A&O.I.*, pp. 1188-1215

¹¹⁴ McDowell, *The English Radical Imagination*, pp. 2-5

¹¹⁵ *Ibid.*, p. 10

¹¹⁶ Probably Edward Reynolds, moderate Presbyterian, see: Atherton, Ian, ‘Reynolds, Edward (1599–1676)’, *ODNB*; Notes on a Fast Day Sermon preached by Mr Reynolds on 8th October 1645, in Mitchell, Alex,

doctrines, where ‘in truths doctrinal, and especially evangelical, to cry up new lights, and astonish the people with metaphysical fancies, is to introduce scepticism into the Church of Christ. Let our ministerial prudence and zeal teach us to deny all pride and wantonness of wit...Deny ourselves in the affectation of new senses and meaning of Scriptures...’¹¹⁷ To resist a plurality of interpretations of Scripture ministers should ‘Judge those expressions, that are most orthodox and tend to godliness, be the best...’.¹¹⁸ This emphasis was also largely due to a prevalent concern over the inability of the laity to correctly interpret complex doctrinal issues in an orthodox sense, wherefore, ministers should ‘produce milk for babes’ and ‘deny our judgements and opinions rather than by them to hinder the peace of the Church’.¹¹⁹

Voicing a common view, Mathew Newcomen declared that persons of ‘differing judgment’ ‘if they live quietly, frequent the publique Assemblies of Worship’, and seem not to disturb or secretly undermine the peace of ‘State or Church’, should be ‘tolerated, in hope of their conversion’ and for the public peace. But, ‘if these men shall begin to spread their errours in publike, to inveigle and draw others to them, to beguile the simple, and so to trouble the publike peace,’ it was then the duty of the magistrate to restrain them.¹²⁰ Those individuals then, who dissenting from religious orthodoxy, had the audacity to attempt to bring others to their heterodox opinions prompted far greater hostility than those who conformed and held dissenting opinions privately. Best, who was accused of sharing his heterodox opinions for years before his denunciation, would therefore have been considered doubly alarming on account of his educated status and his skill at disputation and persuasion.

F, & Struthers, John, (eds.), *Minutes of the Sessions of the Westminster Assembly of Divines*, (Edinburgh: William Blackwood and Sons, 1874), p.140

¹¹⁷ *Ibid.*, p.141

¹¹⁸ *Ibid.*, pp. 140-141

¹¹⁹ *Ibid.*, pp. 135-142

¹²⁰ Newcomen, Mathew, *The duty of such as would walke worthy of the Gospel*, (London: 1646), p. 20

Best: heresy, petitions and the press

Best's case (and that of others accused of heresy) was not only debated within the private upper sphere of Parliamentary assemblies and committees, and amongst divines of the Westminster Assembly. Parliamentary proceedings amplified the debates over religious liberty taking place in print and pulpit, mobilising public involvement. Rumours of an impending petition 'for a Toleration of such Doctrines as are against our Covenant, under the Notion of Liberty of Conscience' prompted the London Court of Aldermen and Common Council to petition the Lords on 16 January 1646, for the settling of the Church government, as without it 'the preaching of women and other ignorant persons, superstition, Heresy, Schism and prophaneness, are much increased'.¹²¹ On 29 May 1646 Essex and Suffolk ministers also petitioned the Lords 'for Church Government to be established' for want of it was the cause that 'the Name of the Most High God is blasphemed, His precious Truths corrupted, His word despised, His Ministers discouraged, His Ordinances vilified.'¹²² As Hughes describes in detail, throughout 1646-8 Presbyterians campaigned by petition from a number of counties in support of the Solemn League and Covenant, and in opposition to toleration and error.¹²³ A Commission from the Scottish Church for Covenant reform also supported the Heresy Ordinance presented to Parliament in September 1646. As chapter four discusses in greater detail, the draft Ordinance penalised views that opposed Reformed doctrine and a Presbyterian government. The Scots presented a paper to the Lords in December 1646, desiring the 'erecting of Classicall Presbyteryes and Congregationall Eldershipps throughout the whole Kingdome (these Things not beinge yet done except in some Places)', and the resolution of

¹²¹ '16 January 1646', *LJ V.8*

¹²² *Ibid*; '29 May 1646', *LJ V.8*

¹²³ Hughes, *Gangraena*, pp. 368-375

the unsettled matters of excommunication, and things pertaining to ‘the Meeting, Constitution, and Power,’ of Church government, as recommended to the Houses by the Westminster Assembly and also in a Scottish Remonstrance of 26 March 1646. Meanwhile, they urged the extreme necessity for ‘some speedy and effectuall Remedy’, against separation from ‘the true Reforming Churches of this Nation, as if Membership therein were unlawfull,’ the restriction of preaching to ordained and approved ministers, and most importantly, against multiplying ‘pernicious Heresy’s’.¹²⁴ Best claimed he had appealed to Parliament and the Assembly for release in no less than 100 petitions.¹²⁵ In the press, mostly in opposition to the impending Heresy Ordinance, there were appeals on Best’s behalf for mercy.

Best’s profile was thus raised by what he represented to people who held a variety of positions on the biblical way to define and defend orthodoxy: to those maintaining the need for a strictly Reformed and compulsory national church (like Edwards), he exemplified the horrifying and inevitable result of a church without disciplinary structure and the necessity of deterrent civil punishment; to those who, although concerned about contagious heresies, were either less certain about, or strongly opposed to outward compulsion, and were anxious to preserve liberty of conscience – at least for those who were orthodox in the fundamentals – Best’s fate was seen to be prescient of a possible future for anyone not of Presbyterian conviction. Only a tiny minority argued for a liberty for all religions.

As chapter three focusses specifically on the numerous sermons against heresy, we will turn to a number of defences of Best and arguments for liberty of conscience in popular print, before turning to hostile responses to these publications. Many arguments hinged on either supporting, or restricting (and less frequently denying), the legitimacy of the magistrate’s power to administer corporal punishment to heretics and blasphemers.

¹²⁴ ‘26 December 1646’, *LJ V.8*

¹²⁵ Snobelen, Stephen. D, ‘Best, Paul (1590–1657)’, *ODNB*

Particularly in the alarmist publications attempting to illustrate the dangers of heresy and to apply that label to specific groups and individuals, great care is needed in assessing the reliability of the claims made. As noted in chapter one, polemic often resorted to an often crude rehashing of stereotypes in order to more clearly establish the heterodoxy of the views or persons in question. It was recognition of the deployment of the label 'heretic' as a smear word to discredit opposing claims to orthodoxy, that led J. C. Davis to argue, controversially, that the sensationalist pamphlets attacking Ranters in the 1650s had invented a fictional sect. With the Ranter debate Davis has highlighted the importance of identifying the recycling of well-known images of deviance in print, employed to exaggerate the threat a particular heterodoxy posed to religious orthodoxy and social order. Often, the images presented of 'heretical' groups and individual heretics were distorted and repainted to fit in with these stereotypes.¹²⁶ However, against the revisionist distrust of printed sources, it seems apparent that whilst defamatory publications are unlikely to give a wholly accurate representation of those accused of heresy, when read against the grain they do provide valuable information about the fears, anxieties and worldviews of those who produced them.

In tension with strict Presbyterians, there were influential arguments from respectable Independents in prominent positions advocating liberty of conscience, either: in defence of the sanctity – and belief in the necessity – of personal conviction in matters of religion, or, in opposition to aspects of Presbyterianism. Arguing against demands for corporal punishment for heresy, many ministers believed that although heresy and

¹²⁶ See the Ranter debate, for example: Davis, J. C, *Fear, Myth and History: The Ranters and the Historians*, (Cambridge: Cambridge University Press, 1986); Aylmer, G.E, 'Did the Ranters exist?', *Past and Present*, Vol. 117, No. 1, (1987), pp. 208-219; Capp, Bernard, in 'Debate: Fear, Myth and Furore: Reappraising the "Ranters"', *Past and Present*, Number 140, No. 1, (1993), pp. 164-171; Davis, J.C, 'Fear, Myth and Furore: Reappraising the "Ranters"', *Past and Present*, (1990) 129: 1, pp. 80-103; McGregor, J.F, in 'Debate: Fear, Myth and Furore: Reappraising the "Ranters"', *Past and Present*, Number 140, No. 1, (1993), pp. 155-164

blasphemy should be suppressed that it should be done so through the use of the Spiritual weapons of prayer and the Word of God, and not through physical force.

Jeremiah Burroughes, responding to Edward's 'Aspersions' against Independents, protested that whilst people think peace can only be achieved by 'forcing all to be of the same minde', and think 'the Civill sword is an ordinance appointed by GOD to determine all Controversies in Divinity, and that men must needs be chained together by fines and imprisonments', then 'there must be a base subjection of mens consciences to slavery, a suppression of much truth whilst they seek to suppress error, or else exceeding disturbance in the Christian world.'¹²⁷ What was needed was an expedient that respected conscience, kept truth free, and error suppressed. Responding to criticism that confining ministers' power to 'their pastoral charge for words and sacraments' provided no way to correct an erring Independent congregation, Burroughes rhetorically asks if other churches protesting against and withdrawing communion from the 'erring Elders or Churchs' fails to 'strike upon Conscience, what shall? Can the adding of an Act of formall Jurisdiction, whose Divine Institution few see, and is doubted of by those with whom it should prevaile, can that doe it?'¹²⁸ Whilst Burroughes refutes the civil magistrates' power to judge all religious 'matters of difference', he does however agree that they could and should have power to help the Church 'when either the hainousnesse of the matter, or the turbulence of the carriage, manifests stubbornnesse'.¹²⁹

The more radical arguments for liberty of conscience often made a powerful appeal to the uncertainty and fallibility of interpretation of Scriptures in matters of salvation. As John Saltmarsh, described by Pooley as 'one of the most influential radical preachers and writers in England', points out to 'the Reverend Divines of the Presbyteriall way' in

¹²⁷ Burroughes, Jeremiah, *A vindication of Mr Burroughes, Against Mr Edwards his foule Aspersions...*, (London: [Thomason date July 23] 1646), p. 30

¹²⁸ *Ibid.*, p. 31

¹²⁹ *Ibid.*, p. 32

Groanes for Liberty (10 March 1646): ‘These are the sighings of some of your own spirits under Episcopacy, under the Tyranny of that government O how acute and sensible were your Judgements and consciences then of the usurpation, dominion, Imposed forms, when you were the sufferers!’¹³⁰ Saltmarsh presses his point by continuing, ‘If it were so ill taken by the *Presbyters* then, that the *Prelates* impropriated the name *Orthodox* : how may it be taken now by all the rest who are cast out as *Hereticks* and *Schismaticks*...?’¹³¹ Opposing Thomas Edwards, Saltmarsh pleads: ‘let the world see that *Men* in these times are not *infallible* as you all conclude, but may mistake their Bretheren for Enemies, some Truths for Errours, and zeal for persecution, as the very Jewes did when they crucified Christ, as they thought, for blasphemy’.¹³² In *Smoke in the Temple* (1646), Saltmarsh also argued against claims to infallibility and thus compulsion, and responded to John Ley (cited below): ‘You say, *What? If heresies stir not up, they poyson souls*. If they poyson, let the Gospel antidote be applyed then, and no other way which the *Gospel* will not bear nor allow; there is the *sword of the Spirit*, and *weapons not carnall*, but *mighty* and *spirituall*’.¹³³

Many of these arguments appear in *A Letter of Advice* (April 1646) to the Assembly, which opposes the heresy ordinance under discussion and defends Best, arguing against his persecution as he may, like the Apostle Paul, convert later in time. It further argues that as it is impossible to discern a genuine recantation from a feigned one, execution for heresy is pointless and only serves to encourage hypocrisy. Furthermore, *A Letter* queries whether Best would be ‘fitter to be sent to *Bethlem*, then starved to death in a prison or inquisition house?’ As, clearly, ‘if hee only did pretend to leave his heresie, and

¹³⁰ Pooley, Roger, ‘Saltmarsh, John (d. 1647)’, *ODNB*; Saltmarsh, John, *Groanes for Liberty*, (London: 1646), Dedication ‘To the Reverend Divines...’ un-paginated

¹³¹ ‘17. Quaere 1.’, *ibid.*, p. 11

¹³² *ibid.*, p. 32

¹³³ Saltmarsh, John, *The smoke in the temple wherein is a designe for peace and reconciliation of believers* (1646), pp. 4, 55

make a shew of orthodox in the future, he could not be disproved, nor so-much as colourably punnished as a heretick?’¹³⁴ Unlike the ‘clerical commonplace that civil officials who allowed the sword to grow rusty in the scabbard would be held guilty as accomplices to the death of each and every heretic’, illustrated by Walsham, this author argued that killing a heretic was to irretrievably murder their soul eliminating any chance for conversion, and thus salvation.¹³⁵ Whilst most people appeared to support the ideal of a coercive civil magistracy, arguing only over what exactly was to be suppressed and what promoted, there were a small number of folk who argued that enforcing conformity to a government-dictated religion by the sword was persecution and against the spirit of Christ.

An anonymous single page broadsheet of April 1646, strongly opposed compulsion, arguing that if Presbyterians knew what true Religion was they would not ‘infringe the outward (much lesse the inward) liberties’ of its professors. Coerced worship was unacceptable to God, and furthermore, the informed knew that true worship proceeded from the mind which ‘must be moved by reason, not by rigour.’ Constraining obedience to the first Table was God’s duty not man’s. This pamphlet rejected the Presbyterian complaint that an unsettled church government was responsible for proliferating errors and heresies, and thus their plea for ‘a compleat power’, and a government established by the sword. For, it argues, the ‘Spirituell minded’ know that Jesus sufficiently established the government and discipline of the Church in his Word, and will soon ‘crush the Priestly power and maintenance’ they cry for. If they had not been smitten with spiritual blindness, and their hearts hardened by ‘the deceitfulnes of sin’ they would already have found and entered ‘the door of the visible Church’. Saints did not wait upon the commands of civil

¹³⁴ Anon, *A Letter of Advice unto the Ministers assembled at Westminster*, ([Thomason date 28 April], 1646), sig. A., A3r., A4v.; Snobelin attributes this anonymous pamphlet to Best himself, which is certainly a plausible speculation. See: Snobelen, ‘Best’, *ODNB*

¹³⁵ Walsham, *Charitable Hatred*, pp. 42-44

magistrates to establish Church government, but continued to execute ‘the Ecclesiasticall and Ministeriall power of the Gospel, though contrary to the decrees of men.’

Presbyterians’ ‘satanicall persecutions’ only hardened the hearts of the sinful sectarians, confirming their belief that theirs were ‘the persecuted waies of God’, and discredit the truths they profess. Admonishment in the spirit of meekness was needed to remove deception and convert heretics. They are accused of following in the footsteps of the ‘blood-thirsty Bishops’, and the ‘multitudes of unstable souls’ they claim have fallen away, have not left Christ’s Church but the Church of England for which they are no more unstable for having left. A course already exists whereby the lost can be reclaimed, by the magistrate if they infringe ‘the rules of morality’, and ministers are vested with ‘spirituall power...to perswade the Conscience’. Disasters of the ‘Sword and pestilence’ are signs of divine displeasure over the divisions caused by the Presbyterians, and their ‘bitter and reproach full contentions, and open persecutions’. The ‘separates’ do not as Presbyterians accuse plead ‘for the universall toleration of all religions and opinions, but would have all to professe and practize the true Religion’; however God’s people will complete the reformation ‘not by might, nor by power, but by the Spirit of the Lord.’ Presbyterians should ‘resolve rather to suffer persecution, with God’s people, then persecute them,’ and be meek, loving and moderate to all men. Those attempting to maintain ‘Christ’s sacred ordinances’ by carnall weapons ‘instead of a holy and glorious reformation, bring a sinfull and shamefull defamation’ and will be opposed by the Lord. This pamphleteer promotes the Independent way, and strongly asserts that the right way to deal with error is purely by the power of the Word and Spirit, and by formulating a confession of faith and catechism to instruct the ignorant by.¹³⁶

¹³⁶ Anon., *Dictated thoughts upon the Presbyterians late petitions for compleat and universall power*, (London: [Thomason date 14 April] 1646)

Given that so much was considered to be at stake, it is unsurprising that on 10 September 1646, when an ordinance ‘For the preventing of the growing and spreading of heresies’ drawn up by Zouch Tate and lawyer Nathaniel Bacon was presented to the Commons, and a grand committee to discuss it ordered for the next day, it provoked a flurry of Independent denunciations.¹³⁷ It set out a list of doctrines against which contrary opinions would be counted heresy, and the punishments due for obstinate dissemination – the ultimate penalty being ‘pains of death’.¹³⁸ As this chapter is more concerned to look at how Best prompted the drawing up of heresy legislation and extra-Parliamentary discussions over heresy more generally, the precise contents of this and the final Ordinance will be discussed in detail in chapter four. The very next day was printed ‘An Ordinance Presented...Pretended for preventing, growing, and spreading of Heresies’ which opposed the Ordinance and argued the impossibility of a finite creature to: ‘comprehend an Infinite incomprehensible God, for it appears by many texts of Scripture to be the only act of Love, that dwels with God to regulate and guide the hearts of men, according to his owne good pleasure, who requireth no man to adore him in knowledge or worship, more or lesse, but as every man is fully perswaded in his own mind.’ It further bade the House remember ‘how odious and abominable former Acts of Parliaments in such cases hath proved in the sight of this generation...many for adhering to their judgements, suffered Death, for pretended Heresies and errours: which pretended errours since appeareth to be truth, and the guilt of their blood remains on this nation at this day’.¹³⁹

One of the consequences of such an Ordinance, if it became law, was that it would endorse examination and trial for heresy before local civil courts, leaving the judgement of someone’s religious opinions and the decision whether to inflict death for them, in the

¹³⁷ ‘10 September 1646’, *CJ V.4*

¹³⁸ Bacon, Nathaniel & Taet, *Zouch An Ordinance presented to the Honorable House of Commons. For the preventing of the growing and spreading of Heresies*, (London: 10 September 1646)

¹³⁹ Anon, *An Ordinance presented to the Honourable House of Commons...Pretended for preventing, growing, and spreading of heresies* (London: 1646), pp. 4-5

hands of (potentially under-educated) laymen. John Goodwin, in *Some modest and humble queries* (22 September 1646) expressed a concern over the qualification of the local magistrates who would be deciding whether to punish (and the form it would take) those accused of heresy and error; would these men he argued, have the depth of academic and theological knowledge and understanding to determine complex doctrinal cases?¹⁴⁰ He argued that ‘the deep things of God in the abstruse and disputable points of Religion, as that of free will, of Trinity, of the hypostaticall union, concerning the death of Christ, the condition of the soule after death, &c’, are matters which ‘the greatest and ablest professors of Divinitie in the world, are not able clearly, or with any competent satisfaction to the scrupulous (many times) to resolve, or determine’.¹⁴¹ The ordinance, he complained, was vaguely worded and could be interpreted in many different ways and put to use against various different people, which considering that the punishment was to be death was of dangerous consequence. Furthermore, the doctrines had been prescribed by a relatively small number of people and had been disputed by numerous learned divines; how did they know they were not punishing God’s truths?¹⁴² Death was an extreme measure to mete out to those who in other respects led godly lives in recompense for ‘erroneous’ opinions that could not be pronounced on with any final certainty.¹⁴³

Another angle taken in protests against the drafted heresy ordinance was that by William Walwyn, who in *A DEMURRE to the bill for preventing the growth and spreading of heresie* (9 October 1646) warned that the Presbyterian faction wanted power to rule for themselves, and that those who pushed for persecution intended to turn people against Parliament. Those imprisoned for heresies, such as Anabaptists, Independents,

¹⁴⁰ Goodwin, John, *Some modest and humble Queries concerning a printed paper intituled An Ordinance presented to the Honourable House of Commons &c. for the preventing of the growing and spreading of Heresies*, (London: 1646), pp. 5-6

¹⁴¹ *Ibid.*, pp. 6, 5

¹⁴² *Ibid.*, pp. 6-12

¹⁴³ *Ibid.*, p. 8

Antinomians, Brownists, etc, have been invited ‘(though indeed they needed no invitation) to venture their lives and estates for their Country, and is this the reward?’ He complains against the injustice of an Ordinance, that if put into effect, would see most of these who ‘after they have got the victory’ against the enemy spend ‘the remainder of their lives in a prison’. (Significantly, Best himself had served in the army in 1644). Walwyn pleads that Parliament would not comply with the Assembly, and instead instruct the divines ‘to labour for humble and contented spirits’ and yield to Parliament, rather than ‘stuffe their Sermons with State affairs to beget parties, and factions to carry out their own ambitious designs.’ He also argued knowledge of truth came either from divine revelation (in God’s timing and not mans’) or through ‘discourse and examination’ wherefore, ‘every man must have liberty...to propose doubts, to give and take satisfaction, to scruple, argue, or doe any thing that may firmly establish our minds in this prime and fundamental truth.’¹⁴⁴

The Antinomian Army chaplain, William Dell, preached before the Commons in November 1646, and afterwards printed his sermon.¹⁴⁵ Dell addressed Parliament in his Epistle Dedicatory, controversially asserting of his own teachings that: ‘you must needs *acknowledge* it to be the *minde* of GOD, if you have received the *anointing* of the *Spirit*: and the *truth* herein contained, shall *prevaile* with all that *belong* to GOD.’¹⁴⁶ Thus essentially, the Spirit enabled correct interpretation, and those who did not accept Dell’s understanding of truth were destitute of God’s Spirit and did not belong to God. It was because Scripture was understood ‘carnally’ and only by the minds of men rather than God’s mind by the Spirit, that anti-Christ’s kingdom was set up and still continued.¹⁴⁷ Only

¹⁴⁴ Walwyn, William, *A demurre to the bill for preventing the growth and spreading of heresie. Humbly presented to the Honourable House of Commons*, (1646), pp. 1, 5-6, 8, 3

¹⁴⁵ Pooley, Roger, ‘Dell, William (d. 1669)’, *ODNB*

¹⁴⁶ Dell, William, *Right Reformation: or, the Reformation of the Church of the New Testament Represented in Gospel-Light. In a sermon preached to the Honourable House of Commons on Wednesday, November 25. 1646. Together with a reply to the chief contradictions of Master Love’s sermon, preached the same day*, (London: 1646), ‘The Epistle Dedicatory’, sig. A2v.

¹⁴⁷ Dell, *Right Reformation*, pp. 1-2

Christ, Dell claimed, was the head of, and could reform His Church, and he ‘sent forth poor, illiterate, mechanick men, and only armed them with the power of the Word’; only the Gospel of Peace and not the ‘force and fury’ of civil-ecclesiastical power could bring reform.¹⁴⁸ Continuing to urge against coercion, Dell asserted that: ‘The *Spirit* reforms not only all *Sins* in the *Church*, but all *Errors*, and *Heresies*, and *false doctrines*’, and that ‘...by *fear* and *punishment* may men be brought to *say* and *do* that which they neither *beleeve* nor *understand*; and how *acceptable* such *popish* faith and obedience is unto *God*, all *Spiritual* Christians *know*, and every mans *conscience*, methinks, should be *convinced*.’¹⁴⁹

Samuel Richardson, a particular Baptist minister, published (10 December 1646) *Certain Questions Propounded to the Assembly, to answer by the Scriptures: whether corporall punishments may be inflicted upon such as hold Errours in Religion*, where through a series of fifty questions he challenged the forcing of peoples’ consciences.¹⁵⁰ Amongst others, he challenged the Assembly with the following questions: ‘3 Whether the destroying of mens bodies for errors, be not a means to prevent their conversion...?’; ‘5 Whether it be wisdome and safe to make such sole Judges in matte[r]s of Religion, who are not infallible, but as liable to erre as others?’;¹⁵¹ ‘7 Whether the Scripture makes the Magistrate Judge of our faith?’; ‘8 If the magistrate may determine what is truth; whether we must not believe, and live by the magistrates faith, and change our Religion at their pleasures?’ he urged that ‘we must distinguish between matters civill and religious: we question their power in the latter.’;¹⁵² ‘47 Whether Jesus Christ, appointed any materiall

¹⁴⁸ Ibid., ‘The Epistle Dedicatory’, sig. A3r., pp. 14-15

¹⁴⁹ Dell, *Right Reformation*, pp. 19-20, 23

¹⁵⁰ Shaw, W. A, ‘Richardson, Samuel (fl. 1637–1658)’, *ODNB*

¹⁵¹ Richardson, Samuel, *Certain Questions Propounded to the Assembly, to answer by the Scriptures: whether corporall punishments may be inflicted upon such as hold Errours in Religion*, (London: 1646 [Thomason date December 10]), sig. A2r

¹⁵² Ibid., sig. A2v.

Prisons for Blasphemers of him?’,¹⁵³ ‘49:6...it’s a Paradox, that a Magistrate may be punished by the Church, and yet that they are judges of the Church’.¹⁵⁴ In answer to the objection that errors must then be suffered, Richardson responds that ‘...If you can hinder Sathans suggestions, and the vain imaginations of mans hearts, and expell the darknesse in men, and place light in stead therof, and hinder men from speaking each to other; then you can suppress Errors: else not, the Lord only can surprise Errors by the mighty power of his spirit with his word, and we believe he will certainly do it in his time to his glory...’¹⁵⁵ These printed responses to the Ordinance by Goodwin, Walwyn, Dell and Richardson – well-known radical Independents – illustrate not only the alarm that this narrow legislation incited amongst those who could not fully subscribe to its terms, but also the divergence amongst the godly with regards to understanding how truth came to be accepted and reform would come about; liberty was argued to be vital to this process.

From pulpit and press there issued warnings against the disastrous effects of tolerating the presence of heresies. A number of pamphlets were produced intentionally as briefer imitations of the vitriolic printed heresiographies or accounts of error, heresy and blasphemy in recent circulation.¹⁵⁶ In the address of his 1645 pamphlet *Heresiography*, Pagitt writes that although his ‘reverend Bretheren’ have been ‘using all meanes to suppress these Heresies’ by writing and preaching, ‘without your helpe and the assistance of our Religious Patriots assembled in Parliament, they doe, and will increase upon us doe what we can.’¹⁵⁷ And to the question whether it be lawful to employ the sword against heretics, Pagitt answers: ‘such whose Heresies are blasphemous in doctrine, or dangerous

¹⁵³ Ibid., sig. A6v.

¹⁵⁴ Ibid., sig. A7v.

¹⁵⁵ Ibid., sig. A8v.

¹⁵⁶ For example: Anonymous, *Hell broke loose*, (1647); for a full length account of the genre of heresiography and its appropriation in the 1640s see, ‘*Gangraena* as Heresiography’, pp. 55-129, in Hughes, *Gangraena*

¹⁵⁷ Pagitt, Ephraim, *Heresiography, or, A discription of the hereticks and sectaries of these latter times*, (1645), sig. A5r.

to the State, deserve death, the reason is, because they corrupt the faith. If such as poyson waters and fountaines at which men and beasts drinke, deserve Capitall punishment, how much more they that as much as in them lyeth goe about to poyson mens soules?’¹⁵⁸ This image of heresy as poison (a devious and subtle device) was a commonly used metaphor. Pagitt also published a sermon in 1645 against heresies which he had preached ‘when the plague of heresie first began among us’ at ‘the Church of *Edmond the King*, in Lombard-street’, London, where he was rector from 1601-1645.¹⁵⁹ It was dedicated to Sir Nicholas Rainton, ‘Knight, and Alderman’, and other Aldermen, Sheriffs, and church Wardens of London, and his parishioners. Rainton had been mayor 1632-3, was knighted 5 May 1633, and was an alderman 1621-1646; this sermon was therefore delivered between 1633 and 1645, and was likely preached in the 1630s given the Antinomian controversy of the 1620s and 30s.¹⁶⁰ Its publication in the mid-1640s suggests Pagitt’s long-standing commitment to defending orthodoxy. Interestingly, it follows similar themes, and produces the same list of ‘heretics’ as his *Heresiography*, and the same condemnation of un-ordained preachers and separatism. It also emphasizes the sticky ends that heretics came to as a direct result of divine punishment. Beware, he warns, for heretics are worse than murderers as they damn the soul; Anabaptists and Sectaries ‘when they take sheepe out of our folds, they pretend to carry them unto Zion, whereas indeed they take them out of the Church to strangle their

¹⁵⁸ Pagitt, *Heresiography*, sig. A5r, v.

¹⁵⁹ Pagitt was rector at Lombard Street 1601-1645 [Dyton, S. C, ‘Pagett, Ephraim (1574–1646)’, *ODNB*]; Pagitt, Ephraim, *The mysticall wolfe*, (1645); this was republished as *The tryall of trueth: or, a discovery of false prophets*, ([Thomason date 24 February] 1645)

¹⁶⁰ [see Lindley, Keith., ‘Rainton, Sir Nicholas (1569–1646)’, *ODNB*; see Como, *Blown by the Spirit*; and Hessayon, Ariel, ‘Bull, John (d. 1642)’, *ODNB*, who writes that 20 February 1636, the king’s ecclesiastical commissioners had been informed that in London, its suburbs, and many other places there presently existed ‘sundrie sorts of Separatists and sectaries, as namely Brownists, Anabaptists, Arrians, Thraskists, Famalists, Sensualists, Antinomians, and some other sorts’. A list similar to that in Pagitt’s sermon. Furthermore, in his sermon Pagitt also refers back to a plague killing 5000 in a week, see p.29. Plague outbreaks occurred in London in 1625, 1630, and 1636; 1625 incurred particularly high casualties. See: Slack, P, ‘Metropolitan Government in Crisis: The Response to Plague’, in Beier, A. L, & Finlay, R, (eds.), *London 1500-1700: the making of the metropolis*, (London: 1986), pp. 612

soules in their prophane conventicles.’¹⁶¹ His sermon is far more aggressive in tone and language than most of the fast sermons to be discussed in chapter three. Such publications that were not officially commissioned are revealing of the level of concern and outrage over the presence of corruptive doctrinal teachings.

Presbyterian minister Christopher Love, who preached the same November fast day as Dell, responded in *Short and plaine animadversions on some passages in Mr. Dells Sermon*, to Dell’s printed sermon which had included criticism of Love’s own preaching. In his dedication to Fairfax he pointedly queried:

whether so dangerously an opinionated a man as Master Dell is, is fit to be a Chaplain in your Army, who saith, That if the Assembly should condemne the Doctrines he preach[s?], then they were the enemies of the truth of Christ, and the last prop of Antichrist in the Kingdom: Yea, he saith further that the worke of Reformation so much desired by the Orthodox and godly Presbyterian ministers and people, is the last and subtillest worke of Antichrist that is now in hand?

Surely, Love addressed Fairfax (and perhaps more emphatically the buyers of his pamphlet), ‘*such Doctrines as these would not only blemish, but disturbe your Army and though God hath cloathed them with strength to conquer Men, yet if such Doctrines should spread among them, Errours will conquer them in the end.*’¹⁶²

Responding to Saltmarsh who purportedly contended in *A New Quere*, that those who keep the peace should not be punished, John Ley argued in 1645 that truth was more important than peace. ‘Heretiques busily bestirre themselves to poyson the soules of the

¹⁶¹ Pagitt, *The mysticall wolfe*, pp. 4, 13

¹⁶² Love, Christopher, *Short and plaine animadversions on some passages in Mr. Dells sermon*, (1646), ‘The Epistle Dedicatory’, sig. A3v, A4r.

people with damnable Doctrine'. His example of damnable doctrine 'derogatory' to God's glory, is Best's 'opinions and positions' against the 'Trinitie of Persons' and Christ's divinity; should these 'blasphemous Verses', he asks, 'be suffered' to 'reproach the most High' and 'seduce the simple to the perdition of their soules' just because 'they doe not perturb the publique peace?' This would be as Eli's 'indulgence to his wicked sonnes', interpreted by God as 'an honouring of his sonnes above him, 1 Sam. 2.29.'¹⁶³ Or, in other words idolatry.

Best receives slightly more attention than Hughes suggests in the most famous anti-heresy work of the 1640s, *Gangraena*, where as she points out support or renunciation of Best was applied as 'a litmus test for orthodoxy or heterodoxy', and those Independents who spoke out against the impending heresy ordinance, such as John Goodwin, were accused by Edwards of making Best "'a Martyr too as well as a Saint in *Cretensis* [Goodwin's] Kalender".¹⁶⁴ As Hughes writes, this vilification provoked angry printed responses, although not all those named leaped into the printed fray, as 'raking over the faults of individuals in the public prints was a controversial even illegitimate undertaking in the Puritan tradition, and some feared (or professed to fear) descending to Edwards's level', or 'giving Edwards's distasteful polemic a significance and credibility it did not deserve.' *Gangraena* was therefore 'challenged mostly by the more radical and less respectable ends of the religious spectrum.'¹⁶⁵ And to these challenges *Gangraena* parts two and three, in turn also responded.

Those references that *Gangraena* contains about Best are illuminating, and illustrate Edward's conflation of Independents and 'Sectaries', and their defence of liberty of conscience with all heresy, blasphemy, irreligion and sinfulness. Part one briefly alludes

¹⁶³ Saltmarsh, *A new quere*, (30 September 1645), p. 8; Saltmarsh produced another pamphlet responding to Ley's criticism, see: Saltmarsh, *The smoke in the temple*; Ley, John, *The new quere, and determination upon it, by Mr. Saltmarsh lately published*, (1645), pp. 40-41

¹⁶⁴ Hughes, *Gangraena*, p. 164

¹⁶⁵ *Ibid.*, p. 250

to Best's manuscripts (probably those submitted to Parliament from York), as containing 'most horrid blasphemies of the Trinity' and 'horrid expressions borrowed from hell'.¹⁶⁶ In part two, however, Edwards accuses Independents and 'Sectaries' of hating and reviling 'any man who speaks against, or complains to Authority of any who b[r]oach Errours (though never so great)'; he complains that 'since the time that the weekly newes Books have mentioned a Vote to be passed in the House of Commons for drawing up an Ordinance against *Paul Best* that Anti[t]rinitarian and Blasphemer, some of the Sectaries have spoken boldly and bitterly against it,' expressing aversion to involvement in 'the proceedings against him, with other words to that effect.'¹⁶⁷ Answering specific defences of Best and liberty of conscience, Edwards dismisses Walwyn's protests of being 'wronged' in part one, defending his claim that Walwyn is a 'desperate dangerous man, a Seeker and a Libertine, a man of all Religions', and of a 'Jesuiticall spirit, being full of mentall reservations and equivocations'.¹⁶⁸ He specifically cites Walwyn as having claimed that ministers should not be maintained by tithes, 'but that every man that had gifts might be a Minister, and use the liberty of his Conscience', and having 'spake in the behalf of *Paul Best* for his Blasphemy; saying, that if we could not convince his Conscience, we ought not to punish his body.'¹⁶⁹ The interchangeable use of the terms heresy and blasphemy noticeable in Best's case is examined in chapter four.

Edwards decries an anonymous pamphlet for abusing and threatening the Westminster Assembly, that if they advise Parliament against 'a Toleration of Independents' they 'shall *be chastised as evill Counsellours, disturbers of Church and*

¹⁶⁶ Edwards, *GANGRAENA*, p. 38,

¹⁶⁷ Edwards, Thomas, *The Second Part OF GANGRAENA: OR A fresh and further Discovery of the Errors, Heresies, Blasphemies, and dangerous Proceedings of the SECTARIES of this time...*, ([Thomason date 28 May]1646), Goldsmith, M. M, & Roots, Ivan, (eds.), *Gangraena by Thomas Edwards*, (Exeter: *The Rota at Imprint Academic*, 1998), p. 13,

¹⁶⁸ See: Walwyn, William, *A whisper in the eare of Mr. Thomas Edwards*, (London: 1646); Edwards, *The Second Part OF GANGRAENA*, pp. 25-26

¹⁶⁹ Edwards, *The Second Part OF GANGRAENA*, p. 27

State'. He connects this censoring publication to the case of Best 'under debate' before the Commons, and fear over 'what the sentence may be'; this is the reason they assert the possibility 'of an Heretikes repentance so long as hee lives,' and that those causing him to 'die in heresie...do effectually damne him eternally'.¹⁷⁰ Edwards accuses Sectaries of questioning and denying all the Articles of faith, and denying the king, Lords or Commons to 'have any thing to do in matters of Religion,' and only to have power in civil matters for as long as 'the people who chose them think fit'. These people he declares shamefully argue publicly in print for liberty even for those degenerates who believe 'there is no God', or who 'bl[a]spHEME God and the Scriptures', and some pleaders of liberty are themselves blasphemers, unclean sinners, and supporters of the Irish rebellion. Furthermore, they 'canonize and cry up for Saints' those who are 'Antiscripturists, Antitrinitarians, Arrians, Perfectists, yea, Blasphemers and Atheists,' so long as they support Independencie and oppose Presbytery.

Edwards complains particularly that '*Paul B[est]*, that fearfull Blasphemer,' now being questioned by the Commons, is 'pleaded for by many Sectaries of our times, and bitter speeches spoken against the House of Commons for meddling with him'. In print, he is also 'pleaded for, and compared in a sort with *Paul* the Apostle.' Never has this kingdom heard or seen such evil blasphemies and heresies as in the past two-three years, and even the bishops and their chaplains at their worst 'were Saints in comparison' of many of these current Sectaries, and would have 'abhorred' the 'opinions and practices' some Sectaries 'pretend to do by vertue of new light, the Spirit, and as a matter of great perfection'.¹⁷¹

In the third part of *Gangraena* Edwards laments the proliferation of pleas, evasions and apologies used by Sectaries to defend heresy and even the greatest errors. He names Walwyn, Saltmarsh, *Cretensis* (John Goodwin's answer to *Gangraena* part one), '38

¹⁷⁰ *Ibid.*, p. 156

¹⁷¹ Edwards, *The Second Part OF GANGRAENA*, pp. 177-179

Queres upon the Ordinance for preventing the growth of Heresies’, and ‘divers other’ pamphlets, as having belittled error or ‘christned’ it as ‘tender Conscience’. Observe, he exclaims that those Independents and Sectaries writing against his books did not condemn any error or person contained therein; ‘but justified all, crying out upon me with great bitterness without any distinctions at all of opinions or persons, for speaking against the Saints’. Some claimed to know no errors or sects, or, that none are ‘so dangerous as the new sprung up Sect of Presbytery, and the opinion of compulsion in matters of Religion’. ‘Errors in matters of Faith’ as in doctrines of the Trinity and Christology, are argued to be ‘Errors not against the light of nature, but against Revelation and Faith, and so more pardonable’ (this is indeed John Goodwin’s argument as we shall see in chapter four), whilst many Arians were good men. Pointing again at Best, Edwards protests how this ‘[f]earfull Blasphemer, and his damnable Heresie against the Trinity hath been in my hearing excused, extenuated,’ sectaries publicly plead that ‘he denied only the tripersonality, not the Trinity, *Athanasiu[n]* Trinity, no[t] the Scripture Trinity,’ the name ‘not the operation of the Persons,’ and that he suffered not for publishing his opinion, but ‘that he lent his writing about the Trinity to a freind in private, and he betrayed him’. Sectaries argue the word ‘Person’ was absent from Scripture, only entering the Church ‘some hundreds of yeers after Christ,’ and, ‘so long as men granted the thing, that there were three, though they held them operations, or vertues, it was not so materiall.’¹⁷² This seems to be a relatively accurate overview of Best’s critique of Trinitarian doctrine, and reflects a fear of his influence upon radical thinking.

Edwards’ heresiological works were the major sources for Baillie’s 1647

heresiological pamphlet against Anabaptists, in which Independency was exposed as the

¹⁷² Edwards, Thomas, *The third part of Gangraena. Or, A new and higher discovery of the errors, heresies, blasphemies, and insolent proceedings of the sectaries of these times; with some animadversions by way of confutation upon many of the errors and heresies named. ...*, ([Thomason date 28 December] 1646), Goldsmith, M. M, & Roots, Ivan, (eds.), *Gangraena by Thomas Edwards*, (Exeter: *The Rota* at Imprint Academic, 1998), p. 234-236

‘Fountaine’ of Antinomianism, Brownism (separatism), and Familism (perfectionist sectaries).¹⁷³ Not only would Anabaptists ‘have Paul Bests blasphemy to go without any censure, but they do also joyn with him to preach down the Divinity of Jesus Christ and the Person of the the holy Ghost’.¹⁷⁴ *Gangraena* was also as Hughes points out, ‘amongst the inspirations for the cheaper anti-sectarian print – some being short pamphlets, some large illustrated broadsides – which erupted from the autumn of 1646, particularly to support the passing of a heresy ordinance.’¹⁷⁵ For example, Pagitt’s ‘A brief collection out of Master Pagitts book called Heresiography or, A discription of the hereticks and sectaries of these latter times’, (1646) additionally contained the ‘heads’ of the Ordinance. An anonymous broadsheet ‘catalogue’ of errors, printed [Jan 19] 1647 listed some dangerous sectarian teachings including liberty to prophesy; that the regenerate cannot sin; the impurity of post-apostolic gospel teaching; and most dangerous of all, Millenarians attempting to establish God’s kingdom and teaching ‘that all the ungodly must be killed’. Allowing individual opinions would cause division, chaos, and destroy all religion, morality and order, yet this was a ‘lawlesse generation, which would have no rule; for set any Rule in the Church they will call it persecution’.¹⁷⁶ It praises Parliament for wisely and caringly providing an ordinance to curb heresy. In a pamphlet by John White (ward of the Tower of London) condemning Lilburne’s political views, Best’s name is thrown in alongside Lilburne’s as the epitome of error making the unmistakable association of heresy with political subversion:

Was there ever a president since the worlds foundation as this, that God, and his
Christ, and his holy word, should be so blasphemed and evill spoken of; the King,

¹⁷³ Baillie, Robert, *Anabaptism. The True Fountaine of Independency...*, ([Thomason date 4 Jan] 1646/7), Cited in Hughes, *Gangraena*, p. 271; Lim, *Mystery Unveiled*, p. 88

¹⁷⁴ *Ibid.*, p. 90

¹⁷⁵ Hughes, *Gangraena*, p. 272

¹⁷⁶ Anon, *A catalogue of the severall sects and opinions in England and other Nations*, (1647)

the Commons, and all sorts of men so abused, and railed on: as now they are by *Paul Best*, and *John Lilburne!* the one denying the distinction of the Trinity; the other averring, there ought to be no subjection to any. And here I cannot but wonder at the wilfull blindnesse of those men, who will not be convinced of their error.¹⁷⁷

Edwards, writing against liberty of conscience in 1647 brings up Best again, arguing that because heretics reject true religion they deserve the Old Testament punishment of death due unto false prophets as specified in Deuteronomy 13:2 and 18:20, 22, and blasphemers in Leviticus 24:16. Are not anti-Trinitarians like Best ‘that hath belched out so many reproachfull speeches against Christ and the Holy-Ghost, Blasphemers in a high measure?’ Furthermore, any who interpret Scripture ‘*wrongfully*’, draw men from true worship to idolatry, and all doctrine that is not of God ‘*proceeds from the Devil; Therefore he that receives it intertains the Devil, and he that perswades the receiving it drawes away from God*’.¹⁷⁸

Whilst many of the publications opposing the proposed Ordinance appear to have been prompted by Best’s case, he was directly mentioned in only a relatively small number of these. It is clear that, as with the development of discussions in Parliament, the debate in print over the Ordinance was about responses to heresy and liberty more generally, for his actual views found little sympathy even amongst his defenders. By contrast, for those supporting the Ordinance Best’s heinous opinions and their implications were frequently employed as evidence of the necessity of civil measures against heresy.¹⁷⁹

¹⁷⁷ White, John, *John White's defence*, (1646), p. 13

¹⁷⁸ Edwards, Thomas, *The casting down of the last and strongest hold of Satan. Or, A treatise against toleration and pretended liberty of conscience: ... The first part*, (1647), pp. 185-186

¹⁷⁹ I’d like to thank Ann Hughes for drawing my attention to this distinction.

Best's fate

These controversies over the contours of orthodoxy, and the Scriptural and legal way to suppress heretics, and the weight of opposition to the Heresy Ordinance account for the slowness of proceedings against Best. Whilst Parliament had issued a clear order to draw up an Ordinance that would authorise administering the death penalty, some MPs were evidently reticent to condemn him. Whitaker recorded on 28 March 1646 calls to have Best hanged, noting also the ensuing delay in order to persuade him to recant. Members of the Assembly who would not be 'perverted' by his pernicious opinions were ordered to be sent to reason with him (a tribute perhaps to Best's own powers of persuasion).¹⁸⁰ The suggestion of hanging rather than burning is a conspicuous change from past punishments of heresy, perhaps reflecting a shift in attitude towards a form of execution linked in Protestant memory with martyrdom and persecution.

The dogged resort to conference and dispute also reflects the uneasiness and dismay of MPs and divines over their failure to convince Best that Trinitarianism was orthodox. Roger Ley his former friend, writes in 1647, of having offered his 'mites' to the 'able wits' and learning that Best has already 'conflicted in vaine with', though he is weak and 'discouraged seeing your long stay in this labyrinth'.¹⁸¹ As shown in chapter one, attempting to reclaim a person from their erroneous thinking was a Christian duty, and as Walsham points out was taken very seriously, for having to commit an obdurate heretic to the flames was a failure of reconciliation on the part of the Church.¹⁸² In the oft quoted words of the Apostle Paul, the Lord's servant 'must not strive; but be gentle unto all men, apt to teach, patient, In meekness instructing those that oppose themselves; if God

¹⁸⁰ BL, Additional MS. 31.116, Entry 'March 28th 1646'

¹⁸¹ *LEY'S COMMONPLACE BK*, f. 143v

¹⁸² Walsham, *Charitable Hatred*, p. 75

peradventure will give them repentance to the acknowledging of the truth. And that they may recover themselves out of the snare of the devill, who are taken captive by him at his will.¹⁸³ However, it was the question of what was to be done with a heretic when they had been patiently admonished and reasoned with (in Best's case, multiple times), and yet still refused to abjure their repugnant opinions, that remained the sticky issue.

On the same day (30 March 1646) that an order was received from the Commons for some Assembly members to 'labour to convince' Best, and Millington was accordingly empowered to send for him, the Divines debated the proposition that "'They who require absolute and blind obedience unto all superiors in all things for conscience sake, do destroy liberty of conscience and Reason'". They resolved that the words "'in all things', shall not stand'", though the words "'and reason'" would.¹⁸⁴ This is interesting as the idea that social superiors could require absolute obedience in *some* things for 'conscience sake' was evidently still supported. On the actual day of his examination, (31 March), the Divines followed another failed attempt to reclaim him by continuing the debate over 'Christian Liberty and Liberty of Conscience', resolving 'Not to Recommitt the rest of the Report.'¹⁸⁵ The next session returned to debate over the Church. Therefore the significance of Best's case is heightened by its contiguity with these debates over doctrine and government, and by providing a kind of test condition, it undoubtedly influenced and was influenced by discussion in both Assembly and Parliament.

Upon Best's further appearance at the Bar before the Commons on 4 April 1646, he was charged with 'several horrid blasphemies proved against him'; he persisted in denying Christ's co-equality, co-eternality, and co-existence with God the Father until he be otherwise convinced, whereupon he was dismissed for seven days whilst they further

¹⁸³ 2 Timothy 2:24-26, 1611 KJB

¹⁸⁴ 'Sess. 612. March 30, 1646. Munday morning', *MINUTES VOL. IV*, pp. 38-39

¹⁸⁵ '28 March 1646', *CJ V.4*; 'Sess. 613. March 31. [1646] Tuesday morning', *MINUTES VOL. IV*, pp. 40-41

deliberated what to do with him.¹⁸⁶ This made the process of examination and reasoning approximately fourteen months in duration and come 13 August 1646, Best was again petitioning for either release or a hearing, as eighteen months imprisonment left him wasting away. If, he declared, any man can ‘convince me of disaffection to your generall good and proceedings; or that I have in the least receded from what I beleeve honorable and conducible, that I may suffer for it: If not, that my sufferings may have expiated for my diversitie of Judgement in case of Conscience.’¹⁸⁷ His petition is clearly framed within the claims that liberty should be given to peaceable people who could not subscribe to orthodoxy for reasons of conscience. On 14 October 1646, the Westminster Assembly ‘proceeded in the debate of the power of the civill magistrate in punishing Herisyees, &c.’¹⁸⁸ On 21 October, Session 731, the Assembly debated ‘the Report “of Christian Liberty and Liberty of Conscience;”’ and it was resolved ‘That this proposition shall stand in the Confession of Faith: “That for their publishing such opinions or maintaining such practises,” &c. (as before voted) “may be lawfully called to account, and proceeded against by the power of the civill magistrate.”’¹⁸⁹ The power of the magistrate in religious matters remained controversial however, and an ordinance that authorised ‘proceeding against’ heretics and blasphemers was yet to be passed in Parliament.

A number of other cases of blasphemy and heresy came to public attention during the 1640s and controversy over Best, which magistrates attempted to deal with despite absence of clear legislation. Edwards refers to two blasphemous sectaries, one Coleburn of Watford examined by Jury and the Kings Bench during Michaelmas term, and another

¹⁸⁶ ‘4 April 1646’, *CJ V.4*

¹⁸⁷ Best, Paul, *To certaine noble and honorable persons of the Honorable House of Commons assembled in Parliament*, (1646 [Thomason date: 13 August])

¹⁸⁸ ‘Sess. 727. Octob. 14, 1646. Wednesday morning’, *MINUTES VOL. IV*, p. 317

¹⁸⁹ (Though Mr Simpson, Mr Burroughs, Mr Greenhill, and Mr Carter entered their dissent) ‘Sess. 731. Octob. 21, 1646. Wensday morning’, *MINUTES VOL. IV*, p. 320

from Middlesex indicted at the Kings Bench during Candlemas term.¹⁹⁰ He describes also the case of Roger Cosens of Chatham, Rochester, examined in August 1644 for charges of blasphemy before John Philpot the Mayor, Philip Ward Esquire, and Justices of the Peace. Edwards claimed that Cosens suffered imprisonment for his blasphemies and speaking against an MP.¹⁹¹ One Thomas Webbe was complained of before the Lords in November 1644 for having preached blasphemies in a private house; having been committed to gaol he was examined by Assembly divines Obadiah Sedgwick, Humphry Chambers and Joseph Caryl for two days and following his rejection of the errors he was charged with, the Lords ordered his release.¹⁹² Another case was that of Thomas Hawes, a London supporter of Independency, and of Best (an association unhelpful to his case). Hawes was denounced by John Farthing, a Presbyterian informant for part one of Edwards' *Gangraena*, for purportedly blaspheming the Trinity; he was imprisoned in Winchester House, Southwark.¹⁹³ Lim argues that although Farthing, the arrest warrant and Edwards, proclaim Hawes to be a Socinian, on the basis of close examination of his exegesis 'it is difficult to prove Hawes an antitrinitarian heretic'.¹⁹⁴ The two accounts left in print by Hawes himself suggest the accusations were largely motivated by tensions between Presbyterian and Independent relations, as the accusation arose (on 17 March 1646) six months after the discourse in question had occurred.¹⁹⁵ Hawes would naturally have incurred suspicion as a result of his publications however, as he not only complained about

¹⁹⁰ Edwards, *The Second Part OF GANGRAENA*, p. 116. No date is given however these cases are slotted in between information given against John Cosens of Chatham, and information given by Francis Tillet, both on 19 August 1644

¹⁹¹ *Ibid.*, pp. 114-127; Hughes highlights that this section on Cosens is a response to Goodwin's objection to Edwards' portrayal of Cosens at the end of part one, and that she was unable to confirm the depositions re-printed from local records. Hughes, *Gangraena*, p. 201 and footnote 192

¹⁹² '22 November 1644'; '2 December 1644', *LJ V.7*; Chambers had informed the Assembly of Webb's purported blasphemies, and Caryl had confirmed the attestation. 'Sess. 328. Novemb, 22. 1644. Fryday morning', *MINUTES VOL III*, p. 467

¹⁹³ Hughes, *Gangraena*, pp. 165, 345

¹⁹⁴ Lim, *Mystery Unveiled*, pp. 3-7

¹⁹⁵ Hawes, Thomas, *The Afflicted Christian justified* (London: printed 18. May, 1646), p. 1; Hawes, Thomas, *A Christian relation of a Christians Affliction*, (March 1646 [Thomason date, 31])

his defamation and sometimes close imprisonment (being denied visits from friends), he also compared his state to that of Best's long confinement, and declared that: 'when I am out of prison, I will goe to him, and know upon what grounds he is imprisoned.'¹⁹⁶

Including the cases of Biddle, Best, and Jane Stratten, between 1645 and 1647 there is evidence that people turned automatically, in the absence of other ecclesiastical recourse, to the local and central civil authorities with complaints of heresy and blasphemy. Due to the uncertain precedent for trying what were religious offences as civil crimes, demonstrated by Best's case, it is almost certain that penalties were restricted to lesser punishments such as imprisonment and perhaps fines (and the pillory in Stratten's case).

When attempting to explain Best's eventual release it is necessary to consider the significance of sectaries in the Parliamentary forces; as noted above, the presence of heterodox opinions in the Army generated great concern, particularly as Army status afforded some degree of protection.¹⁹⁷ It is significant that in June 1645, Baillie who strongly opposed Independency and liberty of conscience, wrote in a letter (most likely referring to Paul Best) that 'My Lord Fairfax sent up, the last week, ane horrible Antitriastian; the whole Assemblie went in a body to the House to complaine of his blasphemies', but, he continues, 'It wes the will of Cromwell, in the letter of his victorie, to desire the House not to discourage these who had ventured their life for them, and to come out expressly with their much-desyred libertie of conscience.'¹⁹⁸ Hughes draws attention to this Parliamentary dilemma over settling church government, citing Thomas Juxon who noted in his Journal: "'The Presbyterians are great & have the Scotts to them. And the

¹⁹⁶ Hawes, *The Afflicted Christian justified*, p. 10

¹⁹⁷ Ian Gentles argues that the furore over the presence of sectaries in the New Model exaggerated their numerical significance. See Ian, Gentles, Ian, *The New Model Army in England, Ireland and Scotland, 1645-1653*, (Oxford: Blackwell, 1992), Ch. 4 'The Importance of Religion'

¹⁹⁸ BAILLIE, 'Worcester House, 17th June 1645', p. 280

Independents have done too good service to be soe ill rewarded as not to have there liberty'.¹⁹⁹

In a correspondence dated 18 August 1646, Baillie wrote in the midst of negotiations, that the king had refused the propositions for settlement causing the sectaries to 'exceedingly rejoyce'; although the Commons 'are our loving friends' he presages that 'before they will part with more money [to pay the Scottish army], they will press hard the disbanding of their owne armie as ours: if they obtain this, the Sectaries will be broken; if they obtain it not, the pride of the Sectaries will be intolerable.'²⁰⁰ As noted above sectarian influence generated deep anxiety, yet even before the army gained control of London, to push for suppression of those men applauded for fighting the Parliamentary cause was a politically sensitive issue. Furthermore, until the tide began to turn in favour of the Parliamentary forces in 1646 it would have been unwise, as Walwyn accused those supporting the Heresy Ordinance of doing, to be seen to have invited men 'to venture their lives and estates for their Country' and 'reward' them with life-long imprisonment or worse.²⁰¹

Coffey writes that the Presbyterian clergy were frustrated from 1646, for (although the king surrendered to the Scots 5 May), in April the Commons had revealed their 'hostility to clerical authority and religious uniformity in stern responses to the Scottish Commissioners and the Westminster Assembly'; it was 'a coalition of Erastians and Independents' that was 'calling the shots at Westminster.'²⁰² The passing of a heresy ordinance did not seem to be impending. 1647 was a year of internal Parliamentary tension as attempts in the spring to disband the Army prompted revolt; a Presbyterian dominated Parliament pushing for peace clashed with the Army who demanded the settlement of their

¹⁹⁹ Hughes, *Gangraena*, p. 56

²⁰⁰ BAILLIE, 'For Mr. Dickson. August 18th 1646', pp. 390-391

²⁰¹ Walwyn, *A demurre to the bill for preventing the growth and spreading of heresie*, (London: s.n., 1646), pp. 5-6

²⁰² Coffey, *John Goodwin*, p. 136

grievances and liberty of conscience. On 1 June the king was taken captive by New Model soldiers to forestall a Presbyterian settlement, and on 26 July an uprising of Presbyterian sympathisers in the city prompted the Army, which had stationed itself outside, to occupy London ten days later.²⁰³ Sir Charles Erskine wrote to his wife 15 June 1647 that they expected daily “the beginnings of a new war, for city and Parliament are both at the mercy of this army...”; on 22 June 1647 he wrote that the king’s person was seized by a party from Fairfax’s army, “who had refused to disband, notwithstanding of both Houses’ command. The truth was they were like to give the law to the Parliament, and all who were Scots or Presbyterians were gone from power.”²⁰⁴ In a private notebook, London Puritan Nehemiah Wallington recorded that in early June 1647 there were ‘great feeres’ that: “our own Army under Sir Thomas Fairfax would come against us here in this citie of Londone”. Wallington attributed the strife between those who had taken the Covenant to maintain Presbyterian government, and the Army (who the Jesuits and Malignants called “Indepentants”), to the Devil and his Imps who “set us one against another that so they mite destroy us both”.²⁰⁵ In late July 1647 Wallington reported rumours that Fairfax and the Army were approaching London “with a great host”; and “some here did threaten us very much how they would plunder and fier our houses”.²⁰⁶ Wallington lamented the ‘present faultshood’ of the Army, the ‘counsell of Agitaters’ opposing ‘the great counsell of parliament’, and the lack of humiliation for it which prevented union; God is greatly dishonoured, and “O what Heresies and Blasphemies are fomented and maintained with the suffering of false Doctrin to be taught amongst them[.]”²⁰⁷ The Army had become a

²⁰³ Scott, David, *Politics and War in the three Stuart kingdoms, 1637-49*, (Basingstoke: Palgrave Macmillan, 2004), pp. 146-147; Smith, *The Stuart Parliaments 1603-1689*, p. 133

²⁰⁴ *Fourth Report of The Royal Commission on Historical Manuscripts, Part 1*, p. 522

²⁰⁵ WALLINGTON, p. 225

²⁰⁶ *Ibid.*, p. 227

²⁰⁷ *Ibid.*, p. 233

political force in its own right with its own agenda; to MPs and Presbyterians this was a terrifying prospect.

In addition to a number of petitions that Best sent out to Parliament requesting a hastened hearing or release, in the summer of 1647, in the midst of political inter-Parliamentarian tensions, as mentioned above, Best had published a pamphlet, *Mysteries Discovered*, which argued in detail his heretical views on the Trinity and nature of Christ. This publication was denounced by Parliament who, on 24 July 1647, ordered his blasphemous pamphlets to be ‘all suppressed, and burnt by the Hands of the common Hangman’.²⁰⁸ The Committee of Complaints was ordered to discover the printers, ‘publishers, venders, or Dispersers: and by what Means this blasphemous pamphlet came forth’ and to suppress them. As a consequence of his pamphlet consideration of an Ordinance, referred to now once again as being ‘for punishing’ Best, was again raised and set for the following Tuesday morning.²⁰⁹ Regardless of how much influence Best’s pamphlet exerted over public opinion it certainly got Parliament’s attention. Burning books, as David Cressy wrote, was about a display of power: ‘It was didactic, polemical, punitive, and instructive...the ritual destruction of books conveys messages about orthodoxy, authority, and command. It signaled to supporters and opponents alike that the government had means of control. The addition of the hangman to the ceremony reinforced the message that this was primarily a symbolic punishment, not a suppression of text. It was a demonstration of authority, not an annihilation of forbidden words.’²¹⁰

In *Mysteries Discovered* Best begins by justifying the publication as a necessary vindication of his reputation against the slander of blasphemy, for the ‘discharge’ of his

²⁰⁸ The spectacle of having the public hangman burn prohibited works was a relatively recent tradition, only introduced in 1634 in England to further dramatically emphasize the official condemnation expressed through the mutilation and humiliation inflicted on William Prynne for his work *Histrio-Mastix*. Cressy, David, ‘Book Burning in Tudor & Stuart England’, *The Sixteenth Century Journal*, Vol. XXXVI, No. 2 (Summer 2005), p. 369

²⁰⁹ ‘24 July 1647’, *CJ V.5*

²¹⁰ Cressy, ‘Book Burning in Tudor & Stuart England’, p. 374

‘conscience’, and to seek redress from his country and ‘all good Christians’, for his ‘long and excessive indurance’. Being unable, by his best friends, or those ‘appointed by the Parliament,’ to present a petition to the Commons for ‘that small Annuity due into me out of *Yorkshire*,’ due to ‘the false reports of injurious and ignorant persons, that I am not onely a most debosh'd, and desperate, but a distracted and mad man’, he hopes is ‘a sufficient plea to indifferent judges for the publishing of my bonds.’ He follows with a bitter reproach against Parliament for what he perceives as their unlawful and ungodly treatment of him: without ‘speedy remedy’ of such ‘unheard of cruelties’ he warns, our end ‘is like to be worse then that which we suffered in our late Civill Wars.’ The ‘continuance of our mock-fasts’ will not excuse us ‘so long as our oppression continueth, *Isa.* 58. 5, 6. &c.’, especially those who ‘conclude their Fasts like that of *January 28th. 1645[1646]*, at *Westminster*, with a consultation how to murder an innocent’. Best calls their proceeding against him ‘most cruell’ and ‘more then Heathenish’, being denied a ‘legall hearing’ or opportunity to ‘oppose’ or ‘give an advised Answer by writing’.²¹¹ He staunchly defends his own innocence of any wrong-doing and condemns Parliament for its hypocrisy, citing Isaiah 58:5-6, which declares the uselessness of days of mourning and fasting for sin, when peoples’ hearts and lives are unchanged and injustice is allowed to continue: ‘Is not this the fast that I have chosen? to loose the bandes of wickednesse, to undoe the heavie burdens, and to let the oppressed goe free, and that ye breake every yoke?’²¹²

As discussed above, on the occasion of 28 January 1646 which Best describes, MPs in the Commons intermittently referred to Best as ‘Beast’, and displayed a determination to punish him with death.²¹³ Best, consciously imitating Christ’s words on the cross, prays ‘Lord, lay not this to their charge, being but an intent (through ignorance) which by Gods

²¹¹ Best, *Mysteries Discovered*, p. 1

²¹² Isaiah, 58:5-6, *1611 KJB*

²¹³ ‘28 January 1646’, *CJ V.4*

providence, and the more gracious of the Parliament was prevented.’²¹⁴ It is interesting that one of the sermons on this fast day of 28 January that Best refers to, was delivered by Joseph Caryl, preaching on the cleansing of the godly from sin in order to draw nigh to God; in the course of his sermon he also cites Isaiah 58:6, and exhorts MPs to ‘wash those wounds, and heal the bruises which the scourge of tongues hath made upon’ any of the injured godly; he cautioned that ‘Among all oppressions the oppression of conscience is the greatest’, and ‘persons converted from a state of sin are nigh to God’ and ‘It is dangerous to injure’ those near to God.²¹⁵ Ralph Cudworth preaching to the Commons in March 1647, appealed to them that Christ ‘came not... to pusle our heads with deep speculations, and lead us through hard and craggie notions into the Kingdome of heaven’, he is persuaded that ‘no man shall ever be kept out of heaven, for not comprehending mysteries that were beyond the reach of his shallow understanding; if he had but an honest and good heart, that was ready to comply with Christs Commandments.’²¹⁶ That these sermons were preached before Parliament indicate the measure of influence that calls for liberty for the godly exerted, and that there were attempts to divert attention from an insistence on acceptance of difficult doctrines to a focus on godliness and obedience to the teachings of Christ.

Although Best’s pamphlet brought his case to the attention of Parliament once again, there was still strong resistance to enforcing corporal punishment, particularly death, for religious heterodoxy in matters of conscientious dissent. Hesitations resulted from the divisions amongst Puritans. Radical publications such as Mary Cary’s *A word in season* of June 1647, declared: ‘Beware therefore how you touch the Apple of God’s eye: let none of his Saints be wronged, or troubled by you: let them not be imprisoned or banished by you;

²¹⁴ See Luke 23:33-34; Best, *Mysteries Discovered*, p. 1

²¹⁵ Caryl, Joseph, *Heaven and earth embracing*, (London: 1646), pp. 10, 1, 42-43

²¹⁶ Cudworth, Ralph, *A sermon preached ... March 31*, (1647), pp. 14-15; he was thanked for this sermon by Henry Mildmay and given permission to print, p. 83. His sermon was significantly given not long after the March humiliation for heresy, discussion of which see next chapter

for they are the pillars of the Kingdom...if they be removed, the Kingdome will fall'.²¹⁷

These saints are not restricted to any one party or faction, 'Nor are they all Saints that are distinguished by' the titles of Presbyterian, Anabaptist, Independent, or Seeker, 'for many that profess themselves to be for the Presbyterian way, are very scandalous persons'.²¹⁸

Should the civil magistrates 'turn out of the world' some of his saints, it would be better for them 'if they were sufferers, then Actors'; to those who make their own laws and take Christ's crown upon their own heads 'Christ Jesus will say unto them, *In vain do you worship me, observing for Doctrines the Commandements of men.*'²¹⁹ Coffey draws attention to Thomas Edwards' accusation that John Goodwin would make Paul Best a Martyr and Saint, and 'be reckoned the Protomartyr of the Sectaries' if Parliament were to punish him.²²⁰ Such considerations might well have occurred to Parliament as well.

On Thursday 22 July 1647 there arrived in the Commons 'Letters from the Parliament's Commissioners with the Army, with a further Proposal from the General and Army, for the Discharge of such Imprisoned under pretence of Conventicles or private Meetings for Religious Duties'. This protested that 'divers Persons,' committed to the Kingdom's peace, 'many whereof have engaged their Estates and Lives with the Parliament in the late War,' suffer unjust imprisonment, indictment and vexation under several statutes, intended for those rejecting Prayer-Book services, for discovering Papists and any plotters and conspirers of 'Mischief to the State'. The Prayer-Book and oppression of people gathering only for 'Religious Exercises' having been 'declared against' by Parliament, the letter desired them to order 'all the Judges of Assizes' to acquit 'all Persons suffering' under the Statute of 31 Elizabeth or any other legislation 'of the same Tenor

²¹⁷ This sentiment was expressed in Dell's sermon to the Commons, November 1646: Dell, *Right Reformation*, p. 29; Cary, Mary, *A word in season to the kingdom of England*, (London: [Thomason date 23 June] 1647), p. 3; Revelations 3:12 'Him that overcommeth, will I make a pillar in the Temple of my God...' 1611 KJB; (this verse is also cited by Dell in *Right Reformation*, sig. B4v.)

²¹⁸ Cary, *A word in season*, p. 11

²¹⁹ *Ibid.*, pp. 12, 3

²²⁰ Coffey, *John Goodwin*, p. 136

with the Premises', unless they be Popish recusants (proved by evidence other than absence from church), or plotters against the State. Ending with a comment about preventing JPs from troubling 'Well-affected People...under the like Pretence', this letter demonstrates indignation about godly Congregationalists suffering at the hands of zealous local magistrates. Signed from 'Reading, July 21, 1647', this is a reminder of the relative proximity of the Army to Westminster, and the pressure being exerted for greater religious liberty.²²¹ This is given witness to in the nature of the articles on religion amongst the 16 propositions for settlement with the king, being drawn up and debated in a committee of the Lords and Commons in the second half of 1647, where a limited liberty was to be offered to Congregationalists (see chapter four).

The growing influence of the Independents, (particularly enhanced with the presence of the New Model Army in London from August 1647) is seemingly evident in Best's case. Despite the intention of many divines to make an example of Best in order to reinforce orthodoxy this did not happen; it has been suggested that Best was released sometime in late 1647, as all mention of him in Parliament and the Assembly ceases after the furore over *Mysteries Discovered*.²²² Frustratingly it has not been possible to discover why and exactly when Best was freed from his lengthy imprisonment. It is clear from Best family records that he was released at some point, as he gave up his annuity to his nephew 22 January 1652, whilst the Parish Register for Little Driffield records Best's death and burial on 17 and 19 September 1657.²²³ Clearly the growing influence of the Independents (particularly enhanced with the presence of the New Model Army in London from August 1647) countered this persecutory impulse. In an atmosphere of political tension with

²²¹ '...Letters from the Parliament's Commissioners with the Army, with a further Proposal from the General and Army'; 'Historical Collections: Parliamentary proceedings, July 1647', Rushworth, John, *Historical Collections of Private Passages of State: Volume 6: 1645-47* (1722), pp. 604-657

²²² McLachlan, H. John, *Socinianism in Seventeenth-Century England*, (Oxford: Oxford University Press, 1951), p. 160 ; Snobelen, 'Best, Paul (1590-1657)', *ODNB*

²²³ McLachlan, *Socinianism*, p. 160

compelling challenges to the legitimacy of coercion and corporal punishment, and the position of influence that supporters of Independency gained in 1647 - it appears that in Best's case, the more moderate arguments won out. An Ordinance was eventually passed – in May 1648 – but its enforcement was not thereby assured. As we see further in chapter four, it was only as a result of complicated shifts in political realignment and necessity, and anxiety over proliferate errors, and not a wholesale rejection of liberty of conscience, that the Ordinance was passed, with the votes of both Presbyterians and Independents in Parliament.

Chapter Three

Combating heresy through Preaching, Fasting and Praying in the 1640s

O how glad would we all be to find some expedient to save the kingdom! why, certainly this would doe it, could we think of a way how this Brasse and Iron, this rock of *England* might relent before God, and lay down the Bucklers, that would save *England*, and nothing else will doe it; What might be of use to *England* over and above what is already spoken, cannot now be delivered, the time being more then spent, nor can my voyce reach *England*, but our prayers may reach Heaven where our tender Lord is; let us therefore turne what might be spoken in a Sermon to *England* into a prayer for *England*.¹

As chapter two has illustrated, when Puritans came to power they were determined to complete the Reformation – by establishing and protecting pure teaching, practice, discipline, and forming a holy nation. There was a widespread conviction that humans had a duty to attempt to suppress heresy and promote orthodoxy by the strength and authority of human institutions. Alongside this, there was an equally strong conviction that human efforts alone were not up to the task. Without divine aid through the workings of the Holy Spirit, human attempts to bring people to knowledge of the truth were considered futile.

Within a context of numerous public challenges to Reformed doctrine, pressure for a systematic suppression of heresy through establishing a compulsory Presbyterian national church and penal legislation, contended with the clamouring from a vocal Independent minority for liberty of conscience for the godly. Whilst Independents agreed that errors

¹ Marshall, Stephen, *The sinne of hardnesse of heart... July 28. 1648*, (1648), p. 40

should be combated, they were uneasy over the rigid Presbyterian definition of heresy defined in the draft Heresy Ordinance (which could potentially be employed against them); some were also unconvinced of how far coercion could validly be employed as a means to establish Orthodox truth.

A central belief shared by the godly of all persuasions however (except perhaps the most extreme radicals), was the necessity and efficacy of fasting, prayer, and hearing the Word preached. These activities were considered essential, for bringing about national and personal reform, and more specifically here, as an appeal for divine assistance in defence of truth against an onslaught of pernicious, soul-destroying errors and heresies. Monthly days of humiliation were organised to enjoin people to collectively humble themselves before God, in order to seek his blessing on the Parliamentary cause, which was believed to be a divinely presented opportunity to establish His Church and a godly commonwealth on Earth. The accompanying fast sermons were intended to remind hearers that their failure to repent and reform their lives was delaying Parliament's success; due to application of an Old Testament model of a holy covenanted nation, it was understood that there was a collective responsibility for the presence of sin. The divine punishment due for sin would not only fall upon the sinner, but upon all – particularly those in authority – who permitted the sin to continue un-restrained and unpunished.

The main focus of this chapter then, is to review the practices of preaching, fasting and praying, primarily within the context of fast days, as part of this wider attempt to combat heresy in the 1640s. More specifically, through analysing the treatment of heresy within fast sermons, it will show that ministers attempted to arouse both laity, clergy and magistrates to accept a collective responsibility to repent for and suppress heresy, and that they did so predominantly through appeals to the Bible. The significance of these practices and the varying approaches to the problem of suppressing heresy is illustrated particularly

through an examination of an extraordinary public humiliation held 10 March 1647, called in an attempt to rally people in a united effort to combat heresy. Finally, this section concludes by briefly comparing the 10 March humiliation with one held in 1650 when Independents had assumed power.

Fasting and days of humiliation

As a practice, fasting had been passed down from Judaism, and Roman Catholicism.² As Durston and Eales argue, fasts were an important part of the Puritan social identity, and the sermons they heard were an important aid to their spiritual duties. Under the Elizabethan Church, fasts were held at times of crisis; although puritans under Elizabeth began the practise of holding ‘unsanctioned fast-days’ devoted to ‘sermons, prayers and psalm-singing’, these activities alarmed the Elizabethan government.³ When on 21 January 1581 the Commons passed a motion to hold a ‘public Fast, with Prayer and Preaching’ in the House to assist God’s Holy Spirit, further his glory, preserve her Majesty, and better direct the House’s actions, Elizabeth furiously rebuked them for their ‘Contempt’ and ‘Innovation’.⁴ From the last Parliament of James I, with royal permission, the practice of general fasts with sermons and a collection for the poor became a regular parliamentary occurrence. Specific sermons were also given on thanksgiving days celebrating momentous occasions or great deliverances. However both Archbishop

² The Hebraic Scriptures were cited for the efficacy of repentance, fasting and prayer. For example: see Joel 2:12-17, *1611 KJB*: ‘Therefore also now, saith the Lord, turne yee even to me with all your heart, and with fasting, and with weeping, and with mourning. And rent your heart and not your garments; and turne unto the Lord your God: for he is gracious and mercifull, slow to anger, and of great kindnesse...’

³ Durston, & Eales, *The Culture of English Puritanism*, pp. 20-22

⁴ ‘24 January 1581’, *CJ V.1*

Bancroft in 1604, and William Laud in his ascendancy in the 1630s, attempted (unsuccessfully) to prohibit unsanctioned fast days.⁵

On 24 December 1641 Parliament ordered the last Wednesday of every month to be kept as a national ‘day of “fasting and humiliation”’, to instil through meditation a sense of the sinfulness of mankind and the mercy, power and justice of God.⁶ In addition to these regular fasts, extraordinary fasts were also held for special events or occasions. The Commons usually held their fast in St Margaret’s, Westminster, and the Lords in Westminster Abbey. Two preachers gave a sermon, one in the morning the other the afternoon. Unless specifically excluded the public were free to attend.⁷ Upon these days, people across all of England and Wales were required to set aside a day from working, to abstain from food, and hear public prayers, preaching and the Word of God. Instructions for conduct were provided in the 1645 Directory for Public Worship.⁸ As events fasts were a collaborative action whereby the godly, through collective humiliation and prayer, hoped to appease God’s anger against the iniquities of the nation and restore His divine favour in bringing them victory in war, and reformation of His Church. Trevor-Roper argued that the ‘real purpose’ of the monthly fasts had been to sustain Parliamentary unity, and present Parliamentary policy and propaganda to the people, which by 1649 could not be fulfilled.⁹ However, this seems to be an overly cynical and narrow view of what were clearly endeavours to make a vision of a godly commonwealth a reality. Durston, in contrast, argues that the main purpose behind both parliamentarian and royal regular fasts was to advance ‘their respective military causes,’ which depended on their avoiding sin,

⁵ ‘The Fast Sermons of the Long Parliament’, in Trevor-Roper, Hugh, *Religion, the Reformation and Social Change and other essays*, (London: Macmillan, 1967), Ch. 6, p. 295; Durston, ““For the better humiliation of the people””, pp. 130-131

⁶ Trevor-Roper, ‘The Fast Sermons of the Long Parliament’, p. 306; Durston, & Eales, *The Culture of English Puritanism*, pp. 20-22

⁷ Trevor-Roper, ‘The Fast Sermons of the Long Parliament’, p. 309

⁸ *Ibid.*, p. 306; Durston, ““For the better humiliation of the people””, p. 136

⁹ *Ibid.*, pp. 296, 306, 342

corruption and submitting to the divine will. The contemporary providential worldview meant that all disaster and misfortune was interpreted to be divine punishment for sin.¹⁰

For Parliament, although fast days were indeed polemical platforms for the instruction of MPs and people in the correct way to interpret God's will, they were also occasions (at least initially) for enthusiastically seeking God's blessing on their cause. Robert Baillie describes a fast day of May 1644 in a letter to his cousin, called for by 'Generall Essex' to aid his military efforts, as 'the sweetest [day] that I have seen in England'. On this day, at Christ's Church, the Westminster Assembly met from nine to five, in the following way: Twisse opened with a brief prayer; Marshall 'prayed large two hours, most divineliē' confessing the members' sins; 'Arrowsmith preached one houre, then a psalme'; Vines 'prayed near two hours'; 'Palmer preached one houre'; 'Seaman prayed near two houres, then a psalme'; Hendersone brought 'a short sweet conference of the heart' confessing faults to be remedied, and 'convenience to preach against all sects'; then 'Twisse closed with a short prayer and blessing.' Baillie concludes: 'God was so evidentlie in all this exercise, that we expect certainlie a blessing both in our matter of the Assemblie and whole Kingdome.'¹¹ Baillie describes with relish, above two hours of preaching and 'conference', two psalms and a blessing, and three ministers praying for two hours each which combined with two 'briefe' prayers, makes over six hours of listening to prayer. This remarkably demonstrates the Puritan passion for sermons, and underlines the importance of praying to fast days.

As Paul Seaver has stated, to the godly, prayer was 'fundamental to a right relationship to God. Prayers of humiliation acknowledged both the sinful condition even of the children of God and their utter dependence on the Divine Father.' Prayers of

¹⁰ Durston, "For the better humiliation of the people", p. 135

¹¹ BAILLIE, pp. 184-185

thanksgiving were to be given to acknowledge God's mercies and deliverances; even in times of defeat people were to pray, for "God many times brings his people into great troubles...so that He might have the more honor and praise in their deliverance."¹² A

Royalist ballad takes a more cynical view of the fast days:

And (as the Members decay) to pack new elections,/ And to give to whom they list
Protections,/ To roote out Episopacy, and to ordaine/A Fast, to palliate the same:/
And an Humiliation,/ To busie the Nation,/ Whilst they the Bishops-Lands do sell/
Which so men will but buy,/ They'l give security,/ Unto them that there is no
Hell.¹³

Prayer was considered not only a duty, and an efficacious appeal for divine assistance, but an energizing practise. Francis Cheynell preached 25 March 1646 that: '*Prayer is not the childe of wit and phantasie, it is the rapture of an elevated spirit, the heavenly dew of a broken heart: I meane a spirit elevated by a spirit of faith, and a heart broken with the spirit of love*'. Meditation makes all knowledge practical affecting the heart, 'and when our love burnes, and our zeale flames, we shall warme others by speaking from our owne hearts to the hearts of our family, the convincing and quickning truth of God...'¹⁴

The significance of praying, to MPs in the 1640s, is indicated by the Parliamentary Journals. Praying during Parliamentary sessions was regarded as tradition in the Commons by 1603 and by at least 1606 in the Lords.¹⁵ However, specific references to prayers being said are irregular and infrequent up until 1640: for example, in the Commons, prayers are

¹² Seaver, Paul. S, *Wallington's World A Puritan Artisan in Seventeenth-Century London*, (London: Methuan & CO. Ltd, 1985), p. 177

¹³ Anon., *A new ballad called a review of the rebellion*, (1647)

¹⁴ Cheynell, Francis, *A plot for the good of posterity. ..March 25. 1646*, (1646), p. 19

¹⁵ '11 February 1559'; '02-05 April 1571'; '23 March 1604', in *CJ V.1*; '26 March 1606', *LJ V.2*

mentioned only 37 times, November 1547 – March 1629; in the Lords, prayers are only mentioned 7 times, March 1578 – June 1614. Whereas from 16 April 1640 throughout the 1640s, the majority of Journal entries for both Houses begin with the statement that prayers took place. For example, April 1640 – March 1643 the Commons Journal records 649 out of 703 sessions opening with prayers, and April 1642 – April 1643 the Lords Journal records beginning with prayers all 301 sessions. Although sessions of Parliament were obviously untypically regular during this period, (and perhaps the routine and thus un-noteworthy nature of praying could explain the irregularity of mentioning it in pre-1640 Parliamentary Journals), it is clear from the care taken to record this discipline that praying was endowed with particular significance and perhaps more emphasis than previously.¹⁶

The last official Wednesday fast was held February 1649, the month after Charles I's execution, and regular fasts were repealed by the Rump in April. Durston attributes this discontinuance to complaints of formality, concern over Royalist appropriation of the fasts for their own ends, and the widespread unpopularity and neglect of fasts by an uncommitted majority.¹⁷ Apathy towards fast days (and ordinary service days) certainly seems to have been a widespread problem. At the Wiltshire Assizes held 15 March 1647 before Henry Rolle, Judge at Salisbury, complaint was made that the national days of fasting were being ignored by many in the county, and in many places the Lord's Day was not being observed.¹⁸ As this was a complaint made directly after the 10 March extraordinary humiliation for heresy it is possible that this reflects a poor turn-out for the event. It certainly highlights the inertia permeating what was essentially a Puritan concern and initiative.

¹⁶ See the Commons and Lords Journals on *British History Online*

¹⁷ Durston, "For the better humiliation of the people", p. 142

¹⁸ '1062', in Cockburn, J. S., (ed.), *Western Circuit Assize Orders 1629-1648, A Calendar, edited for the Royal Historical Society, Camden Fourth Series Volume 17*, (London: Royal Historical Society, 1976), p. 249

Attending these days of repentance willingly and whole-heartedly was a duty equally important to outward observance. In a short pamphlet of 1644 Herbert Palmer shared advice on how to prevent ‘the great Evill of Formalitie in our solemne Humiliations’, by expounding ‘The Soule of Fasting.’ He listed six necessary things: great reverence of God; gratitude for God’s vouchsafed goodness; repentance for individual and national sins; understanding that misery proceeds from God’s provoked displeasure at our sins; faith in the Covenant and God; a renewed and faithfully observed covenant.¹⁹ William Spurstowe preached on proper fast day conduct and contended that previous humiliations had failed to move God because of the participants’ lack of tears over their sins.²⁰ This concern about correct observation presupposes inappropriate or undisciplined attitudes towards humiliations.

Lay Puritans acknowledged this duty, though it could also be an anxiety-inducing burden.²¹ Nehemiah Wallington recorded in his notebook in 1642 that his ‘heart akes for feare’ of ‘untowardly’ keeping an upcoming fast and dishonouring rather than honouring his God, ‘and so instead of a blessing pull down a curse’. Fortunately, he continues, God struck him sick the day before the fast preventing him from attending.²² February 1643 Wallington again records his dismay at his apathy, stating “‘I went to the Fast as a dogge to hanging’”. Once there however, a woman spoke with him how God could justly destroy them as even “‘Gods children’” grow cold in their duties, “‘keeping this day in a formall maner’”; this “‘made my heart so full that I cold not speake without weepeing’”.²³ Clearly amongst some of the godly laity regular attendance at sermons (and thus perhaps

¹⁹ He cites Nehemiah 9:5 describing a time of fasting among the Israelites. Palmer, Herbert, *The soule of fasting*, (1644), sig. A3r, v.

²⁰ Durston, “‘For the better humiliation of the people’”, p. 135; insufficient grief is berated also by Vines, Richard, *The posture of David’s spirit when he was in doubtful condition. ... October 22. 1644*, (1644), pp. 14

²¹ WALLINGTON, p. 150

²² The fast was held 28 September 1642, see: WALLINGTON, p. 172

²³ WALLINGTON, pp. 181-182

enthusiasm also) continued, for example John Gell's notebook records his having attended and made notes for 61 (some ordinary, some fast) sermons over the course of 10 months (and this is to assume that he recorded and made notes at every sermon that he attended).²⁴

By contrast, the diary of the Puritan minister Ralph Josselin provides a different source of insight into both the observation of fast days and the sense of hope and enthusiasm that imbued at least the earlier fasts. He records praying during fast days for victory over Royalist forces, and attributes Parliamentary successes to God and prayer, describing with elation that on Wednesday 20 September, 1643: 'while we were praying, god was blessing our forces' at Newbury, and exclaiming on Friday 29 March, 1644: 'the sons of Jacob never seek the Lord in vain'.²⁵ Parliamentary losses and defeats however, he laments as 'sad providence' that 'speaks our sins aloud and gods continuing his displeasure in lengthening the war'.²⁶ Josselin's diary entries reveal his dedication to reform and Parliament's cause; in addition to the monthly fast days he also kept fast days at the houses of certain of his parishioners, and even expressed regret on occasions that he could not attend.²⁷ Josselin viewed his role to be one of vital mediation between God and the people, which he took seriously, preparing for his duties through meditation and prayer, requesting God's assistance: 'oh Lord never was there more need of personal reformation than now stir me up to it I humbly entreat thee'.²⁸ On three occasions of public fasting, Josselin writes thanking the Lord for his goodness and mercy in protecting him against evil and temptation, and assisting his preaching; he prays 'the Lord make it take deep impression',

²⁴ Derbyshire Record Office 'D3287/25/9'

²⁵ [Wednesday 20 September, 1643], p. 14, [Friday 29 March 1644], p. 15, in: *JOSSELIN*

²⁶ [Monday 9 September, 1644], *Ibid.*, pp. 19-20

²⁷ [Wednesday 20 November, 1644], p. 28; [Friday 11 October 1644], p. 24, in: *Ibid.*

²⁸ [Wednesday 26 February, 1645], *Ibid.*, p. 35

and again ‘make it profitable to the hearers, and continue to delight in me, and use me as an instrument to speak his praise’.²⁹

Josselin complains that fast days are neglected, and writes with a telling tone of weariness, of the humiliation of 25 September 1644: ‘it would make a man bleed to see how regardless people are of the same nothing moves them. affect me that others are not affected...’³⁰ He also expresses concern over his congregation, that numbers are decreasing and errors a danger. 9 May 1647 he writes that hearing the Word is neglected and his ‘congregation grows very thin, oh lord do not give my flock over to looseness and error’.³¹ That he notes this anxiety so soon after the extraordinary 10 March humiliation for heresies is indicative of a prevalent and rising alarm about spreading errors; his worry about losing his congregation was widespread amongst ministers and was compounded by fears over splintering congregations, mechanick preachers, and the radical claims of new revelations challenging both Reformed orthodoxy and an established ministry.

Preaching

During days of public humiliation, the sermon was endued with great prominence; as William Prynne wrote in the 1630s, ‘the sermon was “the very life and soule of a faste, as being the only meanes to humble men for their synns, & bring them to repentance”’.³²

Against the traditional view that Early Modern Protestant preaching was thoroughly intellectual, logical and unemotional, Hunt argues that sermons required hearers to

²⁹ [Sunday 25 April, 1647], p. 92; [Wednesday 31 March 1647], p. 90; [Wednesday 28 April 1647], p. 92; [Sunday 25 April, 1647], p. 92, in: *Ibid.*

³⁰ [Wednesday 26 May, 1647], p. 95; [Wednesday 25 September, 1644], p. 22, in: *Ibid.*

³¹ [Sunday 9 May, 1647], *Ibid.*, p. 93

³² Quoted from Prynne, William, *Newes from Ipswich*, (1636), in Webster, Tom, ‘Fasting and Prayer’, in Webster, Tom, *Godly Clergy in early Stuart England*, (Cambridge: Cambridge University Press, 1997), p. 70

continually find a ‘practical “use”’ for doctrine by ‘applying it to the heart and emotions’. More than being a ‘mere recital of doctrinal points’ a skilled preacher could make of a sermon ‘an almost theatrical event’. Appealing to William Ames, Hunt describes a puritan understanding of preaching as being concerned with more than merely imparting information, ‘but with the wider task of bringing the will of man into conformity with the will of God.’ A puritan minister must first stir up emotion in his own heart ‘in order to communicate it to others.’³³ This is certainly evidenced by Josselin’s diary extracts.

Changing historiographical attitudes towards preaching are also addressed in an article by Mary Morrissey, who argues against typical historical distinctions between preaching styles employing persuasion by either ‘reason’ or ‘the passions’.³⁴ Morrissey argues that Reformed theories of preaching related to the doctrine of the Word being Christ, and she posits that there are two important implications to this: firstly, more than information, the Bible is a revelation of God through words; secondly, Christ/the Word operates through preaching, thus hearers benefited from sermons not solely because of a preacher’s skill but through grace given by the Holy Spirit necessary for belief. Not that this dependency on the Spirit meant direct inspiration, which William Perkins in, *Of the calling of the ministerie*, dismissed as Anabaptist dreams or illusions from the Devil, but rather that a minister’s or preacher’s words were powerful through interpreting and explaining Scriptural truths in an authoritative and edifying way. Hearers were not expected to sit passively however, but were required to pray for faith and understanding, and listen attentively.³⁵ Tom Webster argues that the emphasis on hearing sermons, self-examination and fasting led to a potentially socially disruptive concern for moral improvement within the public sphere, and was connected to a Puritan identity and

³³ Hunt, *The Art of Hearing*, pp. 81-84

³⁴ Morrissey, Mary, ‘Scripture, Style and Persuasion in Seventeenth-Century English Theories of Preaching’, *The Journal of Ecclesiastical History*, Vol. 53. No. 4, (October 2002), pp. 688, 689, 686-709

³⁵ *Ibid.*, pp. 689, 689-690, 691, 692, 690

worldview. The godly set themselves apart from those who did not participate in what historians dub voluntary religion.³⁶

Although the more common sermon topics tended to be a 'positive' promotion of adherence to particular visions of orthodoxy, an increasing concern with heterodox doctrines and unlicensed ministers is reflected in the sermons of the 1640s. This indicates a parallel with Ann Hughes' findings in her analysis of John Harper's sermon notes made between 1626 and 1665; a London citizen and fishmonger of St Margaret Moses parish, his notes were mostly of sermons preached by his vicar Richard Culverwell, his successor Benjamin Needler, and special occasion sermons. (They include two sermons for the 10 March Humiliation discussed below.) Hughes found that whilst the sermons included a series on the fundamentals of faith, and that those given by Culverwell were not overtly polemical, he did not shy away from engaging with deep or controversial doctrines at times either to defend Calvinist orthodoxy. Hughes argues that he conformed sullenly under Archbishop Laud, and continued his predestinarian preaching though under restraint; she points out that his sermons were 'intellectually demanding for a small parish, even a London one'.³⁷ Preaching itself played a vital role in religious controversies, for example as Hunt argues, during the 1620s Antinomian controversy there were competing Puritan, Laudian and Antinomian versions of orthodoxy, and the definition that could be 'presented most persuasively, and disseminated most widely, in the pulpit and the press' would be the one which would prevail.³⁸ Hunt argues that 'an opposing theological position' within the bounds of orthodoxy could be attacked by 'associating it with an extreme version of the same position that was clearly outside those boundaries'. Through these 'codes of public

³⁶ Webster, Tom, 'Early Stuart Puritanism', Ch. 3, particularly pp. 53-54, in Coffey, & Lim, *The Cambridge Companion to Puritanism*; Webster, 'Fasting and Prayer', p. 74

³⁷ See: Hughes, Ann, "'Away with that doctrine of Popery and Arminianism": A moderate Puritan preacher negotiates religious change', (Keele University), forthcoming paper in *Journal of Ecclesiastical History*. I am grateful to Ann for allowing me to read this paper ahead of publication

³⁸ Hunt, *The Art of Hearing*, p. 378

discourse' preachers could 'signal disagreement' to 'the more attentive members of their audience', for example referring to Pelagians when one meant Arminians, or Brownists to mean Puritans. The meaning of these codes was not fixed however: 'Coming from a moderate Calvinist preacher, a warning against excessive speculation on predestination might be used to indicate dissent from the high Calvinist position; coming from a Laudian preacher, it might be used to signal a rejection of Calvinism in all its forms.'³⁹ This public competition to define orthodoxy increased in the 1640s as restrictions on printing (and preaching) crumbled; sermons against heresy were responses to heterodox threats, and were intended to guide parishioners to accept what each preacher considered to be orthodox. How hearers and readers would have responded to controversial sermons is a highly elusive matter, and by nature of the available sources, examination of preaching is therefore predominantly one-sided.

When looking at printed sermons, it is important to note that as Hunt has demonstrated, these are not necessarily accurate representations of what was actually preached. The practice of delivering sermons verbatim as committed to memory, extempore, or from a bare summary or 'skeleton notes', meant that reconstructions of the sermon for print were often based upon a sermon only fully written after it had been delivered.⁴⁰ It is often noted in printed sermons that the authors made additions to the printed version that were excluded for clarity's sake in the pulpit. Furthermore, in print, a sermon could not only be aimed at a broader or very different group of people than originally delivered to, it would also be subjected to the scrutiny of peers, critics and authorities in matters of both doctrine and style and therefore it was likely to have been

³⁹ Ibid., p. 387; for greater detail, see also, Como, *Blown by the Spirit*

⁴⁰ Hunt, *The Art of Hearing*, chapter 3, and p. 351

cautiously edited.⁴¹ These are however still invaluable sources, as they were presented to the public as a means of edification and warning about the dangers of heresy.

A ‘crucial source’ for attempting to recover ‘the personal experience of individual hearers’ of sermons is sermon notes, as these demonstrate not only that someone was paying attention to what was being preached, they also indicate what was being understood by a sermon.⁴² What was preached from the pulpit did not however go unchallenged by the laity.⁴³ This is particularly illustrated by the numerous cases presented at Sessions of the Peace in the 1650s for interruptions to divine services.⁴⁴ We will turn now to a discussion of fast sermons that specifically addressed the problem of heresy.

Selection of sermons/ preachers of sermons

Fast sermons discussed in this chapter range from 1642 – 1648, with a further two delivered before the Commonwealth Parliament of 1650. These were found by a combination of scouring footnotes, combing through manuscript sermon collections, and

⁴¹ *Ibid.*, pp. 147-148

⁴² *Ibid.*, p. 78

⁴³ Anne Ley (wife of Roger Ley, former chamber-mate of Best) wrote to ‘a lecturer in the Church of S. S. in the suburbs of London’, to admonish both the content and style of his preaching, the irreverence and absurdity of which might turn the ungrounded Papist, whilst his ‘anticke gestures strange screameing and affected action would better become a stage then a pulpit’. Ley was buried 22 October 1641. See, *LEY’S COMMONPLACE BK*, ff. 97r-98v. Ley’s reproofs demonstrate a lay-woman taking it upon herself to reprimand a preacher she considered to be bringing the ministry into bad repute and leading unwary listeners astray. Her letter also paints a vivid picture of this preacher’s alarming crowd-drawing charisma. ‘S. S’ could refer to Saint Stephen’s Walbrook, under Thomas Howell 1635-41, Saint Swithin’s London Stone, or Saint Stephen’s Coleman Street, under John Goodwin 1633-1645; given the nature of the complaint it seems plausible that Goodwin was the recipient, as his both his teaching and preaching style were noted for being peculiar, see: Coffey, *John Goodwin and the Puritan Revolution*, pp. 50-56; Browell, Geoffrey, ‘Howell, Thomas (1588–1650)’; Liu, Tai, ‘Goodwin, John (c.1594–1665)’, *ODNB*

⁴⁴ For examples of disturbances see: F.7/353 10 March 1653/4, from: *Minutes of Sessions: Court of Quarter Sessions of the Peace (City of York and Ainsty), Quarter Sessions Minutes Book, F.7 1616-1619 & 1638-1662*, National Archives: Access to Archives; Calendar of Sessions Rolls, 1656, Roll 93, Part 1, in Bates, E. H., (ed), *Quarter sessions records for the County of Somerset, Vol.3, Commonwealth, 1646-1660*, (London: Somerset Record Society, 1912), p. 291

searching all the titles in the *Catalogue* for George Thomason's collection, and on *Early English Books Online*; those works on *EEBO* with transcribed text were searched more thoroughly as the search encompassed content as well as titles.⁴⁵ Search was particularly directed to finding sermons for 10 March 1647, with only limited success. Most of the fast sermons found which addressed the problem of heresy are printed and were given before Parliament, although there is some evidence for the treatment of heresy in fast sermons, and observation of 10 March 1647, outside of Parliament and London. Of the printed fast sermons, five focussed specifically on heresy (two were 10 March sermons); eleven dealt with heresy substantially; twenty-four mentioned heresy/blasphemy in passing.⁴⁶ In addition, of the manuscript sermon notes searched, the three sermons that dealt specifically with heresy were all non-Parliamentary and for 10 March 1647.⁴⁷

The majority of fast sermons that made it into print were those given before the House of Commons, and this is reflected in the disproportionate sample of fast sermons discussed below. John Wilson suggests in explanation that the Commons had greater enthusiasm for fast days than the Lords, whose participation in fast days was irregular before 1644; and whilst permissions were given, sermons before the Peers were less likely to end up in print. Furthermore, frequently, 'the extraordinary fasts or feasts were joint affairs, usually initiated by the lower house.'⁴⁸ He estimates 60-65% of the 218 parliamentary fast sermons delivered 1642-1648 were printed; approximately fifty of these

⁴⁵ BL, *Western Manuscripts*, Add M.S., 39941 Vol. II- 39941 Vol. III, 'Nicholas Lechmere's sermon notes'; Derbyshire Record Office, 'Gell of Hopton Hall Papers', D258/34/14/1, 'Ms. Notebook – notes on Sermons by Martiall,' [1646] and 'Papers of the Gell family of Hopton', D3287/25/1-36, 'Sermons preached at Westminster and Hopton by Mr. Moore: 1620-1685'; Bodleian Library, M.S. Rawlinson, E.70, E.74, E.155, E.157, E.104, E.131; Clark Memorial Library, UCLA, Clark M.S., B8535 M3, 1625-1665, 'Sermon notes of John Harper'. I am thankful to Ann Hughes for the digital images of the two 10 March sermons in this last collection.

⁴⁶ See Table 1, Appendices. By 'substantially' I mean heresy/blasphemy are either the focus of at least several paragraphs, or crop up recurrently throughout a sermon. By 'in passing' I mean merely decrying the presence of error and/or prevalence of false teachers in an occasional sentence.

⁴⁷ See Table 2, Appendices

⁴⁸ Wilson, *Pulpit in Parliament*, pp. 9, 11; Wilson highlights complaints that some MPs were absent from the formal fasts, p. 17

have been read through, and at least thirty-five mentioned heresy and/or blasphemy, indicating the significance of concern over this issue.⁴⁹ As demonstrated in the following table, overall, fast sermons reflected an increasing concern with, and particularly an increased politicization of the problem of heresy in 1647.

<u>24 printed and manuscript fast sermons specifically against, or dealing substantially with, heresy (including 10 March sermons noted to have been preached which do not survive)</u>			
KEY: Preached before: [M.A]=Mayor & Aldermen (London); [C.]=Commons; [L.]=Lords; [C, L, M.A,W.D]=Commons, Lords, Mayor & Aldermen, Westminster Divines; [SP.L]=St Paul's London; [WH]=Wigmore, Herefordshire; [SPR.D]=St Peter's Dorchester; [EC.E]=Earl's Colne Essex; [WM.S]=Wickham Market Suffolk			
1644	1645	1646	1647
24 April [M.A] Hill	29 Jan [C.] Walker	25 March [C.] Cheynell	27 Jan [C.] Sedgwick
25 Dec [L.] Calamy	26 Feb [C.] Maynard	2 April [C, L, M.A,W.D] Peters	24 Feb Hardy [L.] / Lightfoot[C.]
	30 Jul [L.] Baillie	20 April [C, L, M.A,W.D] Caryl	10 March (a pair) [C.] Vines/ Hodges
	26 Aug [C.] Lightfoot		10 March (a pair) [L.] Rawlinson/ Martyn
			10 March (a pair) [SP.L] Gouge/ Scudder
			10 March [WH] Clogie
			10 March [SPR.D] White
			10 March [EC.E] Josselin
			26 May [C.] Case
			26 May [WM.S] Smyth
			30 June [C.] Manton

Table 1

The Parliamentary fast/thanksgiving sermons identified as having brought up heresy – to varying degrees – were preached by thirty-two odd ministers. Some of these

⁴⁹ Ibid., pp. 10-11

(Stephen Marshall, Obadiah Sedgwick, Richard Vines, John Owen and Thomas Case) were popular fast preachers. The search of sermons undertaken has revealed that John Lightfoot, Simeon Ash, Thomas Hill, John Owen, Obadiah Sedgwick and Richard Vines mentioned error in at least two sermons, and Stephen Marshall in three. All seven of these preached three or more times before Parliament.⁵⁰ Of the thirty preachers discussed below, the majority were Presbyterians, except Peters, Caryl, Owen and Powell who were Independents, Lightfoot was Presbyterian/Erastian, and Hardy a moderate Presbyterian/Episcopalian (the views of Rawlinson, Martyn, Scudder and Clogie are uncertain.)⁵¹ With ten exceptions all of these ministers were also members of the Westminster Assembly, signifying their orthodox reputations and close involvement in the Parliamentary efforts to establish a new church settlement.⁵²

With the declining of Scottish influence, Trevor-Roper identifies a shift in those selected to preach before Parliament 1645-1646; the former 'regulars' who included Calamy, Burges, Sedgwick and Case, were 'joined by their future supplanters', Strong, Sterry, Thomas Goodwin, John Owen, Nicholas Lockyer, Walter Cradocke, William Dell, Hugh Peter. He argues these new Independent preachers recognised the need for discretion as Parliament's priority was political not social change; Dell's lack of caution in the preface of a printed sermon resulted in disciplinary action and being banned from preaching before Parliament.⁵³ The political situation, especially for 1647, is discussed in chapter four; however it is significant as Trevor-Roper points out, that the Army's seizure of power by August 1647 was an intervention that disrupted Parliamentary effectiveness in politics. Five years of smoothly organised monthly fasts were interrupted, and thereafter,

⁵⁰ For a list of preachers before the Long Parliament and the number of sermons they gave, see: 1st Appendix in Wilson, *Pulpit in Parliament*, pp. 239-254

⁵¹ See *ODNB*; little information exists for Rawlinson and Martyn, see below

⁵² Peters, Hardy, Manton, Clogie, Josselin, Martyn, Rawlinson, Smyth, Owen and Powell, see: *The Westminster Assembly Project* online

⁵³ Trevor-Roper, 'The Fast Sermons of the Long Parliament', pp. 323, 325

he writes, ‘Preachers are harder to find; refusals are more frequent; the Parliament becomes more dependent on a few reliable servants.’ Even when clergy were willing to preach fast sermons they were remarkably reluctant to print them; Trevor-Roper concludes that ‘from the revolution of 1647, the fast sermons, like the Parliament itself, had lost their purpose.’⁵⁴

1640s Fast Sermons

Examination of preaching against heresy reveals that it was inseparable from the on-going debates over uniformity and the power of the civil magistrate, and was framed within responses to challenges posed to Reformed doctrine, practice and discipline, and to traditional ways of knowing, defining and defending truth. The most important source of appeal in these sermons was, in line with the Puritan mind-set, the Word of God. Parliamentary sermons tended to focus either on recommending practical measures which should be taken by civil magistrates and ministers against heresy, or guidance for how heretics could be identified and heresy distinguished from truth.

We will discuss heresy as a theme in fast sermons in three main sections. The first section looks at the biblical precedent for magisterial power over the Church and individual consciences, and how this was linked to arguments for employing corporal punishment and the death penalty for heresy. The second section looks at how the Church was considered to be engaged in a spiritual battle, and within this context appeals to the Bible for ways to identify heretics, and issues with defining and establishing orthodoxy.

⁵⁴ *Ibid.*, pp. 326-329; for more on the content of parliamentary fast sermons, particularly heresy, see: Wilson, *Pulpit in Parliament*

The third section will address the conflicting perspectives on liberty of conscience and how this impacted upon the advice ministers gave for responding to heretics.

When arguing that civil powers had authority and a duty to defend the Church and to punish heretics and blasphemers, or that impenitent sin and rebellion against appointed rulers would provoke God's wrath, preachers almost invariably appealed to the Old Testament. Some of these verses included: 2 Chronicles 34:33 'And Josiah tooke away all the abominations out of all the countreys that pertained to the children of Israel, and made all that were present in Israel to serve, even to serve the Lord their God...';⁵⁵ Ezra 7:26 'And whosoever will not doe the law of thy God, and the law of the king, let judgement be executed speedily upon him, whether it be unto death, or to banishment, or to confiscation of goods, or to imprisonment.';⁵⁶ 1 Kings 18:40 'And Elijah saide unto them, Take the prophets of Baal, let not one of them escape: And they tooke them, and Elijah brought them downe to the brooke Kishon, and slewe them there.';⁵⁷ Deuteronomy 13:5 'And that prophet or that dreamer of dreames shall be put to death (because hee hath spoken to turne you away from the Lord your God, ... to thrust thee out of the way which the Lord thy God commanded thee to walke in) So shalt thou put the evill away from the midst of thee.'⁵⁸

In the context of identifying and warning against heresy and error preachers tended to focus on a number of specific New Testament verses. Some of the most commonly quoted included: 2 Timothy 2:17 'And their word will eat as doth a canker: of whom is Hymenaeus and Philetus';⁵⁹ Romans 16:17-18 'Now I beseech you, brethren, marke them

⁵⁵ 1611 KJB: cited by Hill, *The Good Old Way...1644*, p. 41

⁵⁶ 1611 KJB: cited by Scudder, Henry, 'The 10th of March 1646[1647]', p. 223

⁵⁷ 1611 KJB: cited by Hodges, *The Growth and Spreading of Haeresie*, p. 57

⁵⁸ 1611 KJB: cited by Hill, *The Good Old Way... Apr. 24 1644*, p. 41, and Hodges, *The Growth and Spreading of Haeresie*, p. 57

⁵⁹ 1611 KJB: cited by Hodges, *The Growth and Spreading of Haeresie...10th day of March*, p. 3; Clogie, Alexander, 'March 10 Fast for Heresies', (1647), p. 216; Gouge, William, 'March up[o]n 10th. 1646[1647]', pp. 217-218; Calamy, *An Indictment... December 25. 1644*, p. 37; Nalton, *Delay of reformation...April 29, 1646*, p. 33

which cause divisions and offences, contrary to the doctrine which ye have learned, and avoide them. For they that are such, serve not our Lord Jesus Christ, but their owne belly, and by good wordes and faire speeches deceive the hearts of the simple’;⁶⁰ Ephesians 4:14 ‘That we hencefoorth be no more children, tossed to and fro, and caried about with every winde of doctrine, by the sleight of men, and cunning craftinesse, whereby they lye in waite to deceive’;⁶¹ Matthew 7:15 ‘Beware of false prophets which come to you in sheepes clothing, but inwardly they are ravening wolves’;⁶² 2 Timothy 3:6 ‘For of this sort are they which creep into houses, and leade captive silly women laden with sinnes, led away with divers lusts’;⁶³ Revelations 2:5 ‘Remember therefore from whence thou art fallen, and repent, and doe the first workes, or else I will come unto thee quickly, and will remove thy Candlestick out of his place...’;⁶⁴ 2 Thessalonians 2:11 ‘And for this cause God shall send them strong delusion, that they should beleve a lye’.⁶⁵

⁶⁰ 1611 KJB: cited by Hill, *The Good Old Way...Apr. 24 1644*, p. 39; Calamy, *An Indictment... December 25. 1644*, p. 17; Vines, *The Authours, Nature, and Danger of Haeresie...Tenth of March 1646/7*, p. 52; Clogie, ‘March 10 Fast for Heresies’ (1647), p. 218; (and Hodges, *The Growth and Spreading of Haeresie...10th day of March*, quoted verse 18), p. 16

⁶¹ 1611 KJB: cited by Clogie, ‘March 10 Fast for Heresies’ (1647), p. 210; Hodges, *The Growth and Spreading of Haeresie*, p. 14; Vines, *The Authours, Nature, and Danger of Haeresie*, p. 52; Manton, *Meate out of the eater... June 30. 1647*, p. 32; and Case, *Spirituall Whoredome... May 26. 1647*, pp. 12-13; Vines, *The Impostures*, p. 1

⁶² 1611 KJB: cited by Walker, *A sermon preached...Januarie 29th 1645*, pp. 18, 27 ; Scudder, ‘The 10th of March 1646[1647]’, pp. 220-221; Hodges, *The Growth and Spreading of Haeresie*, p. 19; and Vines, *The Authours, Nature, and Danger of Haeresie*, p. 7

⁶³ 1611 KJB: cited by White, John, *The Troubles of Jerusalems Restauration, ... November. 26. 1645*, (London: 1646), pp. 57-58; Scudder, ‘The 10th of March 1646[1647]’, p. 220-221; Smyth, *The Doome of Heretiques...26 of May. 1647*, p. 4; Vines, *The Impostures*, p. 38

⁶⁴ 1611 KJB: cited by Clogie, ‘March 10 Fast for Heresies’ (1647), pp. 209-210; Ashe, Simeon, *The Church sinking, saved by Christ*, (1645), p. 20; Scudder, ‘The 10th of March 1646[1647]’, pp. 220-221

⁶⁵ 1611 KJB: cited by Hodges, *The Growth and Spreading of Haeresie*, p. 7; Clogie, ‘March 10 Fast for Heresies’ (1647), pp. 217, 220; Smyth, *The Doome of Heretiques...26 of May. 1647*, ‘To the Reader’, sig. A2r.

Section One: Magisterial discipline. A nation under Covenant

From the sixteenth century, England had been identified by various preachers and authors with the elect nation of Israel, a people chosen and set apart in order to display God's glory through their prosperity and holiness to the surrounding nations, and bound to him by Covenant. Old Testament verses were brought in support, for example: Genesis 17:7 'And I will establish my covenant between me and thee, and thy seed after thee, ... for an everlasting covenant...'; and Leviticus 20:26 'And ye shall be holy unto me: for I the Lord am holy, & have severed you from other people, that ye should be mine.'⁶⁶ This agreement with God was described in terms of marital fidelity, where idolatry (worshipping other gods) was likened to adultery against God, a sin which would result in punishment. 'And I will judge thee, as women that breake wedlocke and shed blood are judged, and I will give thee blood in fury and jealousy'.⁶⁷ Fast sermons often focussed on expounding this elect identity and Covenant relationship because Israel was held up as the blueprint for a godly state; the roles played by prophets, priests, judges and kings in defending the holiness of Israel were frequently cited as justification for, and encouragement of, magisterial power in establishing and preserving pure religion. As Marshall explained to the Lords on 26 March 1645, although only God can build his Church he employs men to help Him; God's princes and servants had always compelled people bound to Him to uphold their Covenant as a condition for His protection.⁶⁸ In contrast, heathens could not be coerced by magistrates to accept the truth, although they should be punished severely if they openly opposed truth by blaspheming, or seduced God's people into idolatry.

⁶⁶ 1611 KJB: cited by Case, *Spirituell Whoredome* (1647), p. 4; Hardy *The arraignment of licentious liberty...* Febr. 24. 1646/7, p. 7

This process of identification is discussed in detail by Wiener, Carol. Z, 'The Beleaguered Isle. A Study of Elizabethan and Early Jacobean Anti-Catholicism', *Past & Present*, No. 51 (May, 1971), pp. 27-62

⁶⁷ Ezekiel 16:38, 1611 KJB: in Case, 'Spirituell Whoredome' (1647), p. 20

⁶⁸ Marshall, Stephen, *Gods master-piece... March 26. 1645*, (1645), pp. 40, 41

Therefore, he exhorts them, as Jehoshaphat, Hezekiah, Josiah, Ezra and Nehemiah did, bring back those ‘misled into Arminianisme, to Popery, to Superstition’ and abominable ways, and purge God’s house of the garbage defiling it.⁶⁹ The Lord laid claim even to a seduced Christian people, and as Old Testament rulers destroyed the Israelites’ idols, ‘by the same warrant and rule you may root out Popery and Heresie, and proceed against incorrigible Papists, Hereticks, Blasphemers’ and impenitent apostates.⁷⁰ Similarly, Hill preaching 24 April 1644, cited as exemplary the actions of the youthful king and famed destroyer of idols, Josiah, who removed all ‘abominations’ and compelled all in Israel to serve the Lord.⁷¹ By extension, Hill argued, ‘Power may and must’ oppose the blaspheming of ‘True’ and the propagation of false religion.⁷² Palmer preached 13 August 1644, that the law of God by which Baal’s followers were put to death for idolatry (1 Kings 18:40), was never repealed and was still binding. God’s honour requires severity against ‘*such kind of Offenders*’.⁷³ Thus the Mosaic laws against blasphemy and idolatry were looked to for guidelines on how to respond to heresy.⁷⁴

Magisterial correction and establishing ecclesiastical government were argued to be necessary for reform. On 26 February 1645, Marshall instructed the Commons to determine God’s will for perpetrators of errors, and what authority Scripture gave them against heretics and vile sinners. Referring to the Psalmist’s image of broken hedges, Marshall urged MPs that having begun this Reformation so well, not to ‘slack’ in erecting

⁶⁹ Ibid., p.40

⁷⁰ Ibid., p. 41

⁷¹ 2 Chronicles 34:33

⁷² Hill, Thomas, *The good old way, Gods way, ... preached to the Right Honorable the Lord Mayor and court of aldermen of the citie of London, at their anniversary meeting ... being the day of the monethly publike fast, Apr. 24. 1644, (1644)*, p. 41, (This sermon was preached for dual purposes, an anniversary of London’s Mayor and Aldermen, and the monthly public fast.)

⁷³ Palmer, Herbert, *The glasse of Gods providence ... Aug. 13, 1644, (1644)*, pp. 57-58

⁷⁴ See also chapters four and five

the hedges and fences of discipline around the Church.⁷⁵ This image of a hedge or fence as discipline recurs in many sermons.⁷⁶ In one sermon of a pair before the Commons on 29 April 1646, James Nalton preached on the necessity of full reformation and repentance for the iniquities that separated people from God, as even one sin un-repented and unreformed would inflict ‘more mischief then all our enraged Enemies’.⁷⁷ Reformation meant ‘purging away of whatsoever doth defile the Soule’, including erroneous opinions which were exceedingly dangerous by nature and damnable in effect. Magistrates who neglected to subdue such abuses would be ‘charged’ with them; suppress errors and heresies Nalton pleaded, prevent this ‘Gangrene’ from over-running the whole kingdom, ‘take some speedy course to stop this Flood-gate least we be drowned’.⁷⁸ Parliamentary sermons clearly exerted influence on MPs, for as seen in chapter two, the Commons’ Journal entry that day recorded thanks for Nalton (and Owen, the other preacher), and ordered that an ordinance be prepared and presented for preventing the ‘Growth and Spreading of Heresies and Blasphemies,’ and to punish ‘Divulgers and Assertors of them’.⁷⁹

At the 24 February fast in 1647, Hardy applauded the Lords for having that month appointed a ‘solemn Fast’ for the late ‘invasion’ of heresies, but, he implored that they would take up the sword as they had words, for, although as Saint Bernard truly said, ‘Faith is wrought by perswasions, not compulsions’, Tertullian equally truly observed, ‘obstinacie must be forc'd, not wooed’. Consider, he implored, if treason against the Land deserves capital punishment, does blaspheming the Trinity deserve less? When robbers and

⁷⁵ See Psalm 80:12

⁷⁶ Marshall, Stephen, *The Right Understanding of the Times ... December 30. 1646*, (1647); pp. 34, 39-40; for the hedge image, see also: Ashe, Simeon, *The Church sinking saved by Christ, ... Febr. 26. 1644*, (London: 1645) – a partner to the sermon preached before the Commons the same day by John Maynard, see below; Vines, *The Impostures of seducing Teachers Discovered... April 23. 1644*, pp. 39-40

⁷⁷ Nalton, James, *Delay of reformation ... April 29, 1646*, (1646) pp. 16, 22. Nalton cites Leviticus 26: 23-24, and Isaiah 59:2 for support. Sig. Ar., p. 22 The latter is also cited in Calamy, *An Indictment... December 25. 1644*, p. 11

⁷⁸ Nalton, *Delay of reformation*, (1646), pp. 31-33, 3, 41

⁷⁹ ‘29 April 1646’, *CJ V.4*

adulterers of houses and husbands suffer punishment, should robbers and adulterers of souls and ‘*Gods sacred Word*’ go free?⁸⁰ Citing Hosea 5:10 (‘The Princes of Judah were like them that remove the bound: therefore I will poure out my wrath upon them like water’), Hardy warns that failure to reform and discipline the Church would bring dishonour to God and disaster to the nation, as rebellion did Israel.⁸¹ To prevent the Almighty from selling us ‘into the hands of barbarous *Turks*, or Idolatrous *Papists*... let us all on our bended knees, with weeping eyes, lift up our voices and cry’ for deliverance.⁸²

Identification with Israel and magisterial responsibility were drawn together by appeals to the Solemn League and Covenant, which as indicated in chapter two, was greatly important to Presbyterians as a pledge to complete Reformation. John Lightfoot, preaching the same day as Hardy, though to the Commons, claimed he was persuaded that one of the ‘saddest stories... to be found in any Record, or in any experience upon the earth,’ is ‘the violation of our Covenant.’ Despite vowing ‘to the God of Truth and Peace’ to ‘the utmost of our power’ to extirpate and root out error, heresy and schism, they have increased so much since then, that if we had sworn instead ‘to have promoted and advanced’ them he doubts they could have grown more than they have done.⁸³ Lightfoot complained that all do what ‘seems good in their owne eyes, for want of Ministers, and of Execution of Justice among them.’ When they were in their places, ministers and Justices were accountable for these endangered souls, but now, he beseeched them ‘to Commune with your owne hearts, where the bloud and life of those soules lies chargeable now...’⁸⁴ Lightfoot is pragmatically pointing out that the lack of adequate ministers, and the

⁸⁰ Hardy, Nathaniel, *The arraignment of licentious liberty, ... Febr. 24. 1646*, (1647), p. 18

⁸¹ *Ibid.*, p. 3; Quoting Isaiah 58:1

⁸² Hardy, *The arraignment of licentious liberty... Febr. 24. 1646/7*, (1647), p. 32

⁸³ Lightfoot, John, *A sermon preached before the Honourable House of Commons... Febr. 24. 1646*, (1647), pp. 29-30; See also, Palmer, Herbert, *The glasse of Gods providence*, (1644), pp. 54-56

⁸⁴ Lightfoot, *A sermon preached before the Honourable House of Commons... Febr. 24. 1646*, pp. 32-33

disrupted state of affairs brought about by civil war, places this responsibility with Parliament.

Section Two: A spiritual battle. Identifying heretics and defending truth

Fast sermon preaching reveals a common preoccupation with describing the characteristics of heresy and heretics, drawn from Scripture, in order to aid identification and avoidance of entanglement. Richard Vines warned the London Mayor and Aldermen 23 April 1644, that false teachers are crafty and subtle, and those who seem holy cannot always be trusted, ‘Guilded pills may convey poison’.⁸⁵ Error is like a ‘precipice’ or ‘*vortex*’ that makes men dizzy and ‘sucks’ them in; those who are immature like children in their faith are led astray, one error leading as a ‘bridge to another’ into increasing ungodliness.⁸⁶ Anxiety over infiltration and subterfuge infused these cautions; George Walker warned the Commons 29 January 1645, that anti-Christ was sending wolves in sheep’s clothing (Matthew 7:15), ‘who by faire shewes of more refined Religion, Piety, and godly life, seek to insinuate themselves into your favour’. These heretics pretend ‘new light, and tender consciences’, each conventicle requesting a liberty ‘to do what seems good in their owne eyes, without control of any superiors’. In short they intended anarchy. Amongst us are ‘bands of Malignants, Anabaptists, Antinomians, Libertines, Schismaticall Separatists’, who are ‘treacherous enemies’ raised up by Satan to strengthen the ‘popish

⁸⁵ Vines, Richard, *The Impostures of seducing Teachers Discovered... April 23. 1644*, pp. 38-39

⁸⁶ *Ibid.*, pp. 15, 26, 6, 10; Clogie also referred to this idea of connectedness: these ‘tares of wicked doctrine, they are quickly ripe, & one sort begets another, & another & nev[e]r have an end, for truth is but one, but error is infinite, and as it is in a chaine if yow draw but one link all the rest will follow,’ and so choke truth. Clogie, ‘March 10 Fast for Heresies’ (1647), p. 218

Faction' and oppose reformation by dividing us.⁸⁷ Discoursing on eradication of these enemies, Walker professed that God himself would sweep them away in a whirlwind in his own good time, and that these vexatious 'unclean spirits' would be cast out only by 'faithful fervent prayers' and the neglected 'holy Fasts as God hath chosen' (Mark 9:29; Matthew 17:21). Yet, paradoxically, he also appeals to MPs to cut the wicked 'down with the sword of Justice'.⁸⁸

The very proximity of the heretical threat generated outrage as well as alarm; ministers warned of the need to restrain the propagation of errors and ensure people heard orthodox teaching. Nathaniel Hardy complained before the Lords on 24 February 1647, that 'new Opinionists' presented 'their vain fancies as the exquisite patterns of Gods minde.' Claims to direct revelation generated intense suspicion if not hostility. Pulpits, he objected, are made stages, 'for every man to act his humour in', and 'Presses market-places, for men to vent their false wares and counterfeit doctrines'; men and women are as 'sick' for new opinions as women for new fashions.⁸⁹ This confusing plethora of opinions created contention over the source and authority of religious truth. Vines preached before the city magistrates on 23 April 1644, that each regenerated 'new creature' had 'new light' or understanding; however he constrained this new revelation to an increased insight into what was already present within Scripture thus denying novel truth imparted solely by the Spirit.⁹⁰ Edward Reynolds also cautioned the Assembly in his sermon of 8 October 1645, that whilst further light would likely be brought to the prophets' predictions, crying new

⁸⁷ Walker, *A sermon preached*, (1645), p.28

⁸⁸ *Ibid.*, pp. 20, 19, 21; on this, see also: Baillie, Robert, *Errours And Induration, Preached ... Before the Right Honourable House of Peers, ... July 30. 1645. The day of the Monethly Fast*, (London: 1645, [Thomason date: 1 September]), pp. 42-3

⁸⁹ Hardy, Nathaniel, *The arraignment of licentious liberty, ... Febr. 24. 1646, (1647)*, pp. 13-14. Perhaps referring to Acts 17:21

⁹⁰ Vines, Richard, *The Impostures of seducing Teachers Discovered; in a sermon before the Right Honorable the Lord Major and court of Aldermen of the city of London, at their anniversary meeting on Tuesday in Easter weeke, April 23, 1644. at Christ-Church, (1644)*, p. 16

lights in ‘truths doctrinall & especially evangelical’ would introduce skepticism into the church.⁹¹ Hill also addressed this issue preaching the next day, on 24 April, before London’s Mayor and Court of Aldermen; unlike a man convinced by reasons which could be overthrown, a man claiming to be convinced by revelation would ‘fondly stick’ to it, refusing to be converted ‘from the error of his way’. Hill quoted 1 John 4:1, urging his hearers to ‘*Try every spirit*’, testing what they hear, and as ‘possibly the Church may erre,’ for authority go to ‘*Jesus Christ the Head of the Church*’ judging by the rules of Scripture.⁹² He warned against the ‘dangerous principle’ of appealing to the individual conscience as Titus 1:16 showed it was defiled by Adam’s fall, and was only partly sanctified even in ‘the regenerate’; if made your only guide it will lead you into ‘grosse offences’.⁹³ The general consensus amongst orthodox ministers was that Scriptural interpretation should be mediated to the laity by an educated clergy. As Scudder argued, ministers could possibly err in both doctrine and application, and when not in accordance with the ‘will and word of God’ these should be rejected; however, otherwise, ‘what they speak according to his Word, is to be received as if God himself spake unto you.’⁹⁴ This was far less simple however when educated ministers could not agree over ‘orthodoxy’. Hodges, preaching on 28 September 1642 to the Commons, placed responsibility for errors upon base and unworthy ministers who do not receive what they speak from God’s mouth but from ‘the forge of Hereticks’, and magistrates who are cold and remiss in drawing ‘the sword of Justice’ against those who bring low God’s law.⁹⁵

Some preaching reflected an uncertainty over accepting unquestioningly the teachings coming from those in positions of ecclesiastical authority, because of the

⁹¹ For Reynolds’ sermon see: ‘Sess. 514. Octob. 8’, *MINUTES, VOL. III*, pp. 673-679, quotation from p. 677

⁹² Hill, Thomas, *The good old way, ... Apr. 24. 1644*, pp. 15, 17

⁹³ *Ibid.*, p. 18

⁹⁴ Scudder, Henry, *Gods warning to England... preached at Margarets Westminster, before the Honourable House of Commons, at their late solemn fast, Octob. 30. 1644*, (1644), p. 7

⁹⁵ Hodges, Thomas, *A glimpse of Gods glory... September 28. 1642*, (1642), pp. 18-19

shortage of what Puritans considered able and godly ministers. False seducing teachers in disguise could be ministers of Parish churches as well as mechanick preachers – as Laudian ministers had already proved. Now, instead of the identifiable Laudian challenge and Popish bishops persecuting the godly, Reformed orthodoxy was assailed inside and outside the Church by open heterodoxies of all colours. Lay-folk and especially magistrates needed to beware of this danger. In the absence of an established replacement for Episcopal government there was inadequate ecclesiastical authority to arbitrate clerical disputes over orthodoxy or discipline ministers, leaving therefore only the civil authority. To most of the godly the answer was ‘fencing’ the Church in with a settled ecclesiastical government upheld by the magistrate – this however, was undermined by both respectable Independents contending for gathered congregations, and those others of the godly who sympathised with them.

Truth, listeners were warned, was threatened in many ways, and people had a responsibility to protect it. For whilst it was understood (from 1 Corinthians 11:19) that heresies must be present so that those ‘which are approved may be made manifest among you’, as 2 Thessalonians 2:10-11 warned, those who lacked love for the truth God would allow to be deceived by errors.⁹⁶ Owen interpreted these Thessalonian verses to mean that the proliferation and acceptance of errors in the ‘western world’ was a sign of ‘just judgement’ upon them for not loving the truth. According to his own will and purpose, God brought reformation of an error-riddled Gospel in some nations but not others.⁹⁷ John Maynard, preached to the Commons on 26 February 1645, that ‘TRUTH is the great busines of these stirring Times’, enquiries, discoveries, contending for truth, which all

⁹⁶ Explaining the presence of heresies, see: Newcomen, Matthew, *The craft and cruelty of the churches adversaries, discovered in a sermon preached at St. Margarets in Westminster, before the Honourable House of Commons assembled in Parliament. Novemb. 5, 1642 ...*, (1643), pp. 18-19 [note this was a regular sermon]

⁹⁷ Owen, John, *A vision of unchangeable free mercy*, (1646), p. 23. Citing 2 Thessalonians 2:10-12

contrary parties ‘pretend to’. It is the complexity of truth and the dim-sightedness and tendency of men to err that accounts for the ‘differences in judgement,’ amongst those seeking truth. Expounding the parable of the sower, Maynard warned that Gospel truths could be lost many ways (Matthew 13:3-9), and not all who appeared to possess truth did so. His advice for navigating contradictory reports of truth was to thoroughly learn the fundamentals of faith revealed in the Word: ‘Labour for a right understanding of the Alsufficiency and infinite excellency of God in all his attributes, ... of the person, natures, offices of Christ, of the covenant of grace’. Satan gained advantage by engaging ‘young beginners and wanton wits’ in such ‘agitation of controversies’ before the foundation of their faith was laid.⁹⁸

The fundamentals acquired great significance in discourse over heresy as a concern was commonly expressed to distinguish between lesser errors and damnable heresies, and also between erring persons. Palmer instructed that when dealing with ‘tainted’ persons, handle those erring ‘through Weaknesse and Infirmity’ with ‘all compassionate tendernesse’, but ‘*obstinate*’ (the key characteristic) and active seducers who ‘*breed confusion,*’ need saving with fear as pulling from the fire before they ‘set *others* afire also.’ A meek spirit was requisite towards all erroneous persons, yet set a Spirit of Judgment and Holy Zeal against their ‘endangering *Doctrines* and *Practises.*’⁹⁹ Edmund Calamy averred December 1645 that wise magistrates would differentiate between persons ‘pious and peaceable’ and those ‘turbulent and furious’.¹⁰⁰ Although he opposed an ‘unbounded libertie’, he conceded that some errors ‘*subvert the faith, and destroy the power of*

⁹⁸ Maynard, John, *A sermon preached to the Honorable House of Commons, ... Feb. 26. 1644*, (1645), p. 22; for a concern over corruption of youth, see also: Hodges, Thomas, *A glimpse of Gods glory... September 28. 1642*, (1642), pp. 16-17

⁹⁹ Palmer, Herbert, *The glasse of Gods providence ... Aug. 13, 1644*, (1644), p. 55; citing Isaiah 4: 4; see also: Maynard, John, *A sermon preached to the Honorable House of Commons, ... Feb. 26. 1644*, (1645), pp. 28-29

¹⁰⁰ Citing Romans 16:17, Calamy, Edmund, *An indictment against England because of her selfe-murdering divisions... December 25. 1644*, (1644), p. 17

Godliness’ whilst ‘others are of a lesser nature, which may consist with the power of Godliness, and with an unitie in the faith.’¹⁰¹ Distinguishing between these lesser differences and those deceived through lack of fervor or weakness, from those soul-destroying errors and seducing agents of Satan was advocated by preachers; it is significant that frequently the means of identification suggested were characteristics of behavior or temper. Unlike more subtle doctrinal arguments these were easier to recognize.

Section Three: Liberty of conscience

This issue of how to respond to heretics was fraught with many complex and contradictory beliefs about the nature of saving faith and how an individual became imbued with it, and also the outworking of the human responsibility to defend Gospel truths. Whilst most of the fast sermons discussed above called for MPs to employ force alongside prayer and fasting, not all ministers agreed about the degree of force, or the extent of power magistrates should have over the Church. Invited to preach before Parliament from about 1645, Congregationalist ministers, though not wholly opposed to magisterial power, propounded a more nuanced view of both orthodoxy and the way in which it came to be established than their Presbyterian brethren.

At a thanksgiving sermon 2 April 1646, Independent divine Hugh Peters suggested to both Houses, London’s Mayor and Aldermen, and the Westminster Assembly, an alternative expedient for the ‘desperate increase of Errour’. Set up, he suggested, opportunities for erring leaders to dispute with appointed godly men twice or thrice

¹⁰¹ In Calamy, *An indictment against England because of her selfe-murdering divisions... December 25. 1644*, pp. 37-38

weekly, ‘and there in a brotherly way take and give satisfaction’. For, he argued, ‘reasonable souls may sooner certainly be taught with Reason and Scripture, then with cudgels and blowes.’¹⁰² Preaching on 20 April 1646, also before MPs, London’s ruling elite and Assembly members, moderate Independent minister Joseph Caryl reasoned that ‘no fore-head can deny’ that ‘dangerous destructive and damnable’ errors are amongst us ‘perverting souls, and wasting the vituals of religion’.¹⁰³ Yet, there are fewer errors than people think, and ‘All is not errorr which everyone thinks to be errorr’, as heresy accusations against early Christians show. Caryl was referring to the accusations of heresy against the Apostle Paul by the Jewish leaders (Acts 24:14). Furthermore rather than fighting heresy and error with carnal weapons, he asserted God:

hath given a *compleat* Armour to his Church, wherewith to fight against all the errorrs and unsound doctrines of seducers. Therefore search the *magazines of the Gospel*, bring out all the artillery, ammution and weapons stored up there, look out all the chains and fetters, the whips and rods, which either the letter of the Gospel or the everlasting equity of the Law hath provided to binde errorr with, or for the back of heresie : let them all be imployed, and spare not.¹⁰⁴

Owen, who by 1648 openly supported Independency, preached before the Commons at a public humiliation on 29 April 1646; in a short afterword to his printed sermon, he denied

¹⁰² Peters, Hugh, *Gods doings, and mans duty ... at the last thanksgiving day, April 2, for the recovering of the West, and disbanding 5000 of the Kings horse, &c., 1645*, (London: 1646), Epistle to the Lords and Commons, un-paginated

¹⁰³ For his moderation, see: Seaver, P. S, ‘Caryl, Joseph (1602–1673)’, *ODNB*

¹⁰⁴ Caryl, Joseph, *Englands Plus ultra, both of hoped mercies, and of Required Duties: shewed in a sermon preached to the Honourable Houses of Parliament, the Lord Major, Court of Aldermen, and Common-councill of London ; together with the Assembly of Divines, at Christ-Church, April 20 1646*, (London: 1646), pp. 23-24

allegations of undermining Church government and supporting toleration.¹⁰⁵ However, in contrast to conventional Presbyterian wisdom, he cautioned that ‘when spirituall weapons shall be judged insufficient’ those seeking to suppress evils, errors and disunity will not achieve it by ‘Church-Discipline’. He urged greater charity and humility, and the banishment of ‘all horrid appellations, as increasers of strife, kindlers of wrath, enemies of charity, food for animasity’. By his experience ‘horrid names’ like heretic, schismatic and sectary never had any effect on his judgement, unless to retaliate, nor would they have on others. Forcing such ‘liveries’ upon the erring does not prove ‘they are servants to the master of sects...but only, makes them wait an opportunity, to cast the like mantle on their traducers.’¹⁰⁶

Many Presbyterian preachers responded to the Independent (and more radical) appeals for liberty of conscience in the pulpit. Herbert Palmer warned the Commons on 13 August 1644 that allowing liberty to those opposing all commandments of the Moral Law could destroy oath taking, and promote polygamy, divorce and propriety of goods. Liberty would remove all limits given to men.¹⁰⁷ Though some pleaded for liberty only in the First Table of the Decalogue, he objected that arguments for the First also applied to the Second Table; furthermore, the First Table covered sins against God as idolatry, blasphemy and heresy, which endangered men’s souls more than the sins of the Second.¹⁰⁸ Before the Lords on 25 December 1644, Calamy denied that magistrates tyrannized over men’s consciences, insisting that they had a duty to prevent those laboring to infect their subjects ‘with soule-destroying errors’; if you hold and keep a heretical opinion to yourself ‘the Magistrate will not; nay, cannot meddle with thy private conscience.’¹⁰⁹ But, if magistrates

¹⁰⁵ Owen, *A vision of unchangeable free mercy*, (1646), pp. 46-56

¹⁰⁶ *Ibid.*, pp. 50, 53; p. 53

¹⁰⁷ Palmer, Herbert, *The glasse of Gods providence ... Aug. 13, 1644*, (1644), p. 55

¹⁰⁸ *Ibid.*, pp. 57-58; the Decalogue is discussed further in chapter four

¹⁰⁹ For support he cites Romans 14:22

may lawfully shut away a man with plague to prevent infection of others, ‘why not a man that hath the plague of Heresie upon his soule, that so he may not destroy the soules of thousands?’¹¹⁰

Obadiah Sedgwick warned the Commons on 22 October 1644, that to save ‘*God’s House*’ they must abhor the very thought ‘*of Tollerating all opinions in the Church*’, which would dig ‘a speedy Grave for the Kingdome and Church’, instead, they should hasten the Assembly’s work.¹¹¹ Preaching 25 December 1644 before the Commons, Thomas Thorowgood complained that Remonstrants, Arminians and Socinians twisted the Apostle’s sense of Scripture by interpreting Philippians 4:5 ‘Let your moderation be known unto all men’, to mean countenance ‘for that *Babylonish* Error, the Allowance of all Opinions’. Instead, he paraphrased Philippians 5:16, ‘Let us walk by the same Rule, let us mind the same Thing’, as an argument against schism; embracing unity, he declared, would not be difficult ‘If we were preserved by Humility from the Corruptions of Self-opinion’.¹¹²

For Presbyterians there was a conflict between liberty of conscience (which in some measure, however limited, most Protestants believed in), and a sense that truth must be taught and defended – accomplished in part by eradicating heresies and punishing those who misled God’s people or blasphemed his name. These ideals were held in tension, and ministers and theologians attempted to find a balance. Preachers responded to protests against oppression of conscience by attempting to draw a distinction between not forcing the conscience to accept disputable points, whilst still suppressing blasphemies and errors.

¹¹⁰ In Calamy, *An indictment against England because of her selfe-murdering divisions... December 25. 1644*, pp. 37-38

¹¹¹ Sedgwick, *An Arke against a Deluge*, (1644), pp. 25-31

¹¹² Quoted in Assheton, William, (ed.), *Toleration Disapprov’d and Condemn’d, by a letter of the Presbyterian Ministers in the city of London,... And by Twenty Eminent Divines, Most (if not all) of them Members of the Westminster Assembly, IN Their sermons before the two Houses of Parliament on Solemn Occasions, between the Years 1641 and 1648. Faithfully collected and publish’d in the Year 1670, and now reprinted*, (London: J. Stagg and Sold, 1736), pp. 22-23

Discoursing on Reformation and liberty on 25 March 1646, Cheynell preached that ‘Saints must have a *Saint-like liberty*’ which enables us ‘*to do any thing which is religious or vertuous*’, but these ‘true Saints’ would not say that ‘a man may be of what Religion he pleases’ as long as he is zealous for it.¹¹³ He scorned the notion that a truth must not be maintained until questioned, as this was an invitation to the proud or wanton spirited, like Socinians and Arminians. He exhorted MPs not to fear pressing God delivered truths on the whole nation, for the Gospel must be preached to all.¹¹⁴ On 23 April 1644, Richard Vines argued Christians were not exempt from ‘the scepter of Government, or the rod of Discipline’, and although liberty of conscience is ‘sacred and inviolable’ it is not ‘a freedom to be or doe what we will’ which would disarm the magistrate, and remove the keys from the Church, returning us to chaos.¹¹⁵ Palmer responded 13 August 1644, to the protest that punishments and restraint do not convert men, that whilst this was true, neither could exhortation, preaching, or arguments ‘in Word of Writing’ without God’s blessing, yet these, and proportional ‘*Restraints and Punishments*’ were means appointed and sanctified by God to be used for conversion.¹¹⁶ Hill also attempted to justify compulsion of bodies: although ‘men cannot bee compelled to the *profession* of the *True faith*; yet by *Authority* they may bee even constrained to *attend upon the meanes of knowing God*, and that good way which leads to him.’¹¹⁷ As we have seen however, arguments for liberty were influential within Parliament; largely they were supported by appeals to the examples

¹¹³ Cheynell, Francis, *A plot for the good of posterity. Communicated in a sermon to the Honorable House of Commons for the sanctifying of the monthly fast. March 25. 1646*, (1646), p. 38; the Westminster divines understood Gospel freedom to mean freedom from guilt and the power of sin, bondage to Satan, the wrath of God, the ceremonial and judicial law, and the curse of the moral law. ‘Sess. 610. March 26, 1646. Thursday morning’, *MINUTES VOL. IV*, p. 30; see also: Maynard, John, *A sermon preached to the Honorable House of Commons, ... Wednesday, Feb. 26. 1644*, (1645), pp. 28-29

¹¹⁴ Cheynell, *A plot for the good of posterity. ... March 25. 1646*, pp. 34-35, quoting Mark 16. 15. Col. 1. 23. 28.

¹¹⁵ Vines, *The Impostures of seducing Teachers Discovered... April 23. 1644*, pp. 30-31

¹¹⁶ Palmer, *The glasse of Gods providence ... Aug. 13, 1644*, p. 58

¹¹⁷ Hill, *The good old way, ..., Apr. 24. 1644*, p. 41

of Christ and the Apostles in the New Testament and the understanding that Jesus' life and crucifixion had fulfilled the judicial requirements of the moral law. We will return to this theme in chapter four.

The 10 March Extraordinary humiliation for heresies

As Hughes demonstrates, a call for a fast on account of the increasing public challenges to orthodoxy emerged amidst a surge of preaching against heresy, prompted by a 'Presbyterian mobilization' set in motion in 1646, and encouraged by Edwards' *Gangraena*. A city Remonstrance was presented to Parliament on 26 May 1646, appealing for Presbyterian government but mostly focussing on opponents of reformation and uniformity; it emphasised the need for swift action and a way of proceeding against all heretics, blasphemers and sectaries.¹¹⁸ On 19 December 1646 the London Common Council presented a petition to Parliament, and claimed to present the grievances of 'thousands of our Fellow-citizens' in an annexed petition, who they likewise joined, in pleading for a swift disbandment of an Army filled with many men who had not taken the Covenant, were opposed to Presbyterian Government, and who usurped pulpits infecting the people 'with strange and dangerous Errours'. A secure settlement could not be expected whilst such as these were 'Masters of such a Power'. The annexed City Petition, amongst other grievances, complained about the proliferation of errors, and opposition to the settling of church Government and the Covenant. They recommended that any who refused to take the Covenant or who were disaffected towards it would be proceeded against as enemies to Reform, and denied 'places of public Trust'. Heterodox preaching,

¹¹⁸ Hughes, *Gangraena*, pp. 340-348

and ‘separate Congregations’ the ‘very nurseries of all damnable Heresies’ should be suppressed, and an Ordinance made against heretics and schismatics.¹¹⁹ This pressure was publicly supported in print in 1647 and 1648 by numerous ‘testimonies’ from London and provincial ministers declaring their opposition to heresy, schism and toleration.¹²⁰

Joining the current of preaching against heresy, Obadiah Sedgwick opened the Commons fast on 27 January 1647 with a sermon printed as *The Nature and Danger of Heresies*.¹²¹ His printed epistle dedicatory to the Commons states he intended to ‘meddle’ only with those positions which ‘pull hard at the very foundation, and which doe subvert the faith’.¹²² Satan plotted to destroy Church, State and Souls and his most dangerous tactic was the subtle attack through ‘floods’ of words.¹²³ Sedgwick interpreted this flood to mean errors and heresies, which arose in the Early Church.¹²⁴ Skirting the question of specific magisterial punishment, he argued Magistrates and Ministers, as paternal figures were duty-bound to vocally oppose heresies, blasphemies and pleas for toleration. ‘O watch, O pray, O preach’ Sedgwick appealed to faithful ministers; and to MPs he presented nine measures they could implement. These included: creating legislation; establishing church discipline; appointing a national ‘solemn day of humiliation’ for the dishonor brought to

¹¹⁹ ‘19 December 1646’, *LJ V.8*; ‘The Humble Petition of the Lord Mayor, Aldermen, and Commons of the city of London, in Common Councill Assembled’, pp. 1-3 and ‘An humble Representation of the pressing grievances, and important desires of the well-affected Freemen, and Covenant-engaged Citizens, of the city of London’, pp 1-5, in Court of Common Council, *To the Honourable the House of Commons assembled in High Court of Parliament: The humble petition of the Lord Mayor, aldermen, and commons of the city of London, in Common Councill assembled. Together with an humble representation of the pressing grievances and important desires of the well-affected freemen, and covenant engaged citizens of the City of London*, (1646); for more on Presbyterian mobilization and the City Petition, see: Hughes, *Gangraena*, pp. 130-144, 370, 372

¹²⁰ Hughes, *Gangraena*, pp. 368-379

¹²¹ William Jenkyn, preaching this day before the Lords on the incompleteness of Reform and ineffectiveness of the church settlement, also briefly denounced heretics and sectaries, *A Sleeping Sicknes the distemper of the Times. A sermon preached before the House of Peers*, (London: 1647), see Epistle Dedicatory, and pp. 28-29, 32; Ann Hughes attributes both Sedgwick’s and Jenkyn’s diatribes partly to the influence of Thomas Edwards’ *Gangraena*, see Hughes, *Gangraena*, pp. 379-381

¹²² Sedgwick, Obadiah, *The Nature and Danger of Heresies, ... January 27. 1646*, (London: 1647), Epistle Dedicatory, sig. A2r.

¹²³ A reference to Revelations 12:15

¹²⁴ *Ibid.*, pp. 1-7

God and truth; employment of their ‘Coercive power’ to protect ‘truth and souls’, repress ‘dangerous errors’, whilst maintaining ‘real sanctity’.¹²⁵

Sedgwick’s and Jenkyn’s sermons, prompted the Commons that same day to order that Wednesday 10 March ‘be set apart for a Day of publick Humiliation, for the late Growth and Spreading of Errors, Heresies and Blasphemies, to be observed in all Places’ in England and Wales ‘therein to seek God for his Assistance and Direction for the suppressing and preventing the same.’ A committee was ordered to ‘prepare something to be published, and read in all Churches and Chapels’ on 10 March advertising the occasion for this extraordinary public humiliation. Sir Christopher Yelverton was instructed to ask Edmund Calamy, and Colonel Leigh to ask Richard Vines to preach before the Commons on that day.¹²⁶ On 1 February report was received that Calamy desired to be excused, and Sir Peter Wentworth was ordered to request Mr Burges to preach in his place.¹²⁷ An Ordinance for proclaiming this humiliation was read twice, and on 2 February delivered to the Lords ‘for their Concurrence’ by Zouch Tate, chosen perhaps due to his involvement with the 1646 draft Heresy Ordinance.¹²⁸ As Burges also desired to be excused, in a third attempt to appoint a second preacher, Thomas Hodges was requested in replacement.¹²⁹

¹²⁵ *Ibid.*, pp. 41, 37-40

¹²⁶ ‘27 January 1647’, *CJ V.5*

¹²⁷ Either Cornelius or Anthony Burgess:

Alongside Stephen Marshall, Cornelius preached the first five fast sermons before Parliament; he was among those prominent divines including Edmund Calamy (the other nominee for 10 March), appointed by Parliament to deliberate religious reform at the advent of the Long Parliament; furthermore he opposed toleration and preached against complying with sectaries before the Commons, on 30 April 1645. [See: Liu, Tai, ‘Burges, Cornelius (d. 1665)’, *ODNB*]

Anthony preached six times before the Lords or Commons, was also a member of the Westminster Assembly, supported the Covenant, and signed the 1647 Testimony of London Presbyterians against toleration. [See: Vernon, E. C, ‘Burgess, Anthony (d. 1664)’, *ODNB*]

Peter Wentworth was noted for his radical republicanism, though he absented himself from Charles’ trial. [See: Barber, Sarah, ‘Wentworth, Sir Peter (1592–1675)’, *ODNB*]; Ann Hughes suggests Anthony is meant given his and Wentworth’s Warwickshire connections

¹²⁸ Controversy over the fast is indicated by the (negative) vote to commit the Ordinance to a committee. ‘1 February 1647’, *CJ V.5*; ‘2 February 1647’, *CJ V.5*

¹²⁹ ‘1 February 1647’, *CJ V.5*

On 4 February the Lords Journal noted briefly that the Ordinance was passed and ordered to be sent into the counties.¹³⁰ All ministers were to proclaim the fast on the Sunday ‘preceding the said tenth day of March’.¹³¹ Printed that day, it was entitled: ‘concerning The growth and spreading of Errors, Heresies and Blasphemies; setting apart a Day of publique Humiliation to seek Gods assistance for the suppressing and preventing the same.’ It began by appealing to the Covenant, and quoted almost verbatim its second clause, confirming commitment to reformation of: ‘Doctrine, Discipline and Worship,’ and ‘extirpation of Popery, Superstition, Heresie, Schism, Prophanenesse, and whatsoever shall be found contrary to sound Doctrine and the power of godlinesse’. The Ordinance reminded people that since taking the Covenant God’s presence had assisted them; it echoed the Covenant’s warning against partaking in the sins and thus plagues of others. God was dishonoured and the kingdom and ‘immortal souls’ imperilled by ‘the abominable Blasphemies, and damnable Heresies vented and spread abroad therein, tending to the subversion of the Faith, contempt of the Ministry, and Ordinance of Jesus Christ’. It desired a national humiliation to prevent the swift and just destruction due to those ‘giving heed to seducing Spirits’; it repeated the resolve of the Houses that nothing be done or said against the Truth.¹³²

The Lords next appointed ‘Mr. Vynes and Mr. Martyn’ to preach 10 March before them ‘in the Abbey Church.’¹³³ Evidently Vines was in demand by both Houses! Upon

¹³⁰ ‘4 February 1647’, *LJ V.8*

¹³¹ ‘February 1647: An Ordinance, concerning the growth and spreading of Errors, Heresies, and Blasphemies, and for setting apart a day of Publike *Humiliation*, to seeke Gods assistance for the suppressing and preventing the same.’, *A&O.I.*, pp. 913-914

¹³² ‘February 1647: An Ordinance, concerning the growth and spreading of Errors, Heresies, and Blasphemies, and for setting apart a day of Publike Humiliation, to seeke Gods assistance for the suppressing and preventing the same.’, *A&O.I.*, pp. 913-914; printed as: *An Ordinance of the Lords and Commons assembled in Parliament, concerning The growth and spreading of Errors, Heresies and Blasphemies*, 4. Febr. 1646, (London: 1647)

¹³³ A Thomas Martyn was appointed to a vicarage in Little Houghton, Northampton, on 10 June 1646, ‘10 June 1646’, *LJ V.8*; he is noted as the vicar ‘of Little Houghton, Northants, 1641-62’ in

realizing this, on 10 February, the Lords ordered that ‘Mr Rawlinson shall preach...in the Place of Mr Vynes’.¹³⁴ Although Wilson lists the two Commons preachers for 10 March, in the space for the Lords’ preachers that day, John Rawlinson is listed next to a question mark, and Thomas Martyn is not present at all.¹³⁵ Also on 4 February, the Lords discussed the ‘Ordinance to prevent Heresies, &c’, which had been on the backburner for some time. A committee was ordered to meet the next Friday to consider the Ordinance and punishments ‘to prevent all Heresies and Schisms for the future’.¹³⁶ That this was being discussed simultaneously is indicative of the expected outcome of the fast, at least in Parliament. Whilst technically all of the godly (even those opposing coercion) could endorse the practices of fasting, praying, and preaching as spiritual measures rather than carnal weapons, the call for a public humiliation for heresy might not have met with unreserved support from Congregationalists. The intended content and spirit of prayers and sermons against heresy undoubtedly provoked uneasiness over their application and subsequent direction, particularly given the aggressive sentiments expressed alongside advertisements for the 10 March. The question remained one of defining heresy not just how to oppose it, for the two matters went hand in inseparable hand. The tenor of Sedgwick’s sermon, which had prompted the 10 March Humiliation, was sympathetic to Presbyterianism, and as with many other fast sermons, Sedgwick contended that words alone against heresy were not enough. Although he evidently wished to evade discussion

Venn, John & Venn, J. A., *Alumni Cantabrigienses. A Biographical list of all known students, graduates and holders of office at the University of Cambridge, from the earliest times to 1900. Part I...to 1751 Vol. III* (Cambridge: 1924), p. 151; also listed as Vicar of Little Houghton from 11 June 1646 until ejected for non-conformity in 1662, in Mathews, A. G., (ed), *Calamy Revised Being a revision of Edmund Calamy’s account of the ministers and others ejected and silenced, 1660-2*, (Oxford: Clarendon Press, 1934), p. 342; ‘4 February 1647’, *LJ V.8*

¹³⁴ A Mr John Rawlinson was appointed rector and parson in Lambeth, Surrey, on 21 January 1647, ‘21 January 1647’, *LJ V.8*; ‘Rawlynson, John’ was noted as possible vicar of St Martin’s York, 1641-62, and was ‘R. of Lambeth, Surrey, 1650-4’, in Venn, & Venn, *Alumni Cantabrigienses... Vol. III*, p. 425; he was installed as Rector of Lambeth 17 February 1646/7 ‘by order of Parliament’ and ejected 1662, see: Mathews, *Calamy Revised*, p. 404; ‘10 February 1647’, *LJ V.8*

¹³⁵ See: 1st Appendix in Wilson, *Pulpit in Parliament*, pp. 239-254

¹³⁶ *LJ V.8*

of magisterial punishment, he argued for the employment of coercive power to settle and defend the Church. This as we shall see was common through all the surviving 10 March sermons.

It is surely significant that both Calamy and Burgess, who publicly opposed toleration and encouraged measures against heresy, desired to ‘be excused’ from preaching on 10 March. Though perfectly ordinary reasons such as illness or prior engagement could have existed that do not involve a desire to avoid controversy, it seems likely that this reticence was a reflection of the unsettled religious and political condition in 1647. It also seems noteworthy that although printed without comment, their refusal was reported in several newsbooks alongside announcements of the fast Ordinance, though this could simply be evidence of the meticulous reporting of the newsbooks.¹³⁷ Several newsbooks also reported the fast being kept and the ministers who did preach before Parliament.¹³⁸ A printed letter dated 9 March from an initialled correspondent, entreated a Westminster constable, as an officer, to prevent the common neglect of fast days by searching ‘in such imminent places as you shall thinke fit’ and warning against working during fasts.¹³⁹ This plea was probably intended to embolden other local magistrates to do likewise.

Newsbooks from January and February 1647 reported continued discussions in Parliamentary committees, of progress with the Heresy Ordinance, lay preaching, settling

¹³⁷ Pecke, *A perfect diurnall*, ‘Numb. 184’, (1-8 February, 1647), pp. 1471-1472; Alsop, Bernard, (publisher), *The Weekly Account*, ‘Numb. 6’, (3-10 February, 1647), Thursday 4 February [mistakenly printed as 5 February], un-paginated; the Ordinance was also reproduced in: Mabbott, Gilbert, (ed.), *The London post*, ‘Numb. 5’, (4-11 February, 1647), pp. 34-35; Collings, Richard, (ed.), *The kingdomes weekly intelligencer*, ‘Numb. 186’, (2-9 February, 1647), pp. 416-417

¹³⁸ Ibbitson, *Perfect occurrences of every dayes journall*, ‘Numb. 10’, (8-15 March, 1647), p. 78; Pecke, *A perfect diurnall*, ‘Numb. 189’, (8-15 March, 1647), p. 1514; Collings, *The kingdomes weekly intelligencer*, ‘Numb. 200’, (9-16 March, 1647), p. 455; Wednesday 10 March, Alsop, Bernard, (publisher), *The Weekly Account*, ‘Numb. 11’, (10-17 March, 1647), un-paginated

¹³⁹ To a Mr Norman, from I.T., in: Wednesday 10 March, Ibbitson, *Perfect occurrences of every dayes journall*, ‘Numb. 10’, (8-15 March, 1647), p. 79

Church government and religion.¹⁴⁰ *A Perfect Diurnall*, 1 January, commented as an aside that the Heresy Ordinance ‘certainly may be look’d upon as further satisfaction to the City Petition’ (see above), indicating a pressure on Parliament for further reform.¹⁴¹ Both *Perfect Occurrences* and *A Perfect Diurnall*, 27 January, reported the initial order for a ‘Solemn Fast’ on 10 March ‘to beseech the Almighty for the Rooting out of Heresies and Blasphemies’, and the Commons’ invitation to Calamy and Vines.¹⁴² Other newsbooks also reported the order for the fast.¹⁴³ One particularly polemical account prints a letter containing the ‘certaine’ story of ‘a late horrid murther in *Kent*,’ where, in order to prevent his being baptised, an ‘obstinate Anabaptist...cut off her owne childes head’. Rendering ‘the monstrous fact more odious’ was the woman’s bold declaration ‘that she could shew Scripture for what she had done.’ Surely, the report goes on, ‘such horrid Blasphemers as this’ induced the Commons the following day to order the 10 March humiliation, as an appeal to God not to judge ‘this Land for the grievous Sinnes of Heresy, and Blasphemy.’¹⁴⁴

¹⁴⁰ Thursday 31 December; Friday 1 January, in Pecke, *A perfect diurnall*, ‘Numb. 179’, (28 December 1646-4 January 1647), p. 1437; Friday 1 January, in Ibbitson, *Perfect occurrences of every dayes journall*, ‘Numb. 2’, (8-15 January, 1647), pp. 9-10; Saturday 16 January, in Dillingham, *The moderate intelligencer*, ‘Numb. 98’, (14-31 January, 1647), un-paginated; Friday 22 January, in Pecke, Samuel, (ed.), *Mercurius candidus*, ‘Numb. 1’, (20-28 January, 1647), pp. 5-6; Friday 22 January, in Ibbitson, *Perfect occurrences of every dayes journall*, ‘Numb. 4’, (22-29 January, 1647), p. 25; Wednesday 25-29 January, in Alsop, Bernard, (publisher), *The Kingdom’s Weekly Account*, ‘Numb. 4’, (25 January-2 February, 1647 [i.e. 1648]), pp. 25, 27-30; Friday 5 February; Wednesday 10 February, in Ibbitson, *Perfect occurrences of every dayes journall*, ‘Numb. 6’, (5-12 February, 1647), pp. 41, 47

¹⁴¹ Friday 1 January, in Pecke, *A perfect diurnall*, ‘Numb. 179’, (28 December-4 January, 1647), p. 1437

¹⁴² Ibbitson, *Perfect occurrences of every dayes journall*, ‘Numb. 4’, (22-29 January, 1647), sig. D4v.; Wednesday 27 January, Pecke, *A perfect diurnall*, ‘Numb. 183’, (25 January-1 February, 1647), pp. 1468-1469

¹⁴³ Collings, *The kingdomes weekly intelligencer*, ‘Numb. 185’, (26 January-2 February, 1647), p. 408; Friday 29 January; Monday February 1, in Dillingham, *The moderate intelligencer*, ‘Numb. 100’, (28 January-4 February, 1647), p. 881, for preaching without licence, see pp. 889-890; Saturday 28 January, Audley, Thomas, (ed.), *Mercurius diutinus*, ‘Numb. 10’, (27 January-3 February, 1647), p. 79

¹⁴⁴ Collings, *The kingdomes weekly intelligencer*, ‘Numb. 185’, (26 January-2 February, 1647), p. 408; this story is also reproduced in Mabbott, *The London post*, ‘Numb. 3’, (January 21-28 January, 1647), p. 24

In February, *Englands Remembrancer* printed an exhortation on 1 Peter: 5:8, 9, to beware ‘the Devil as a roaring Lyon’.¹⁴⁵ It condemned pamphleteers who by trade ‘call evill good, and good evill’, and whose emissaries’ only study and labour is ‘to trouble’ people with false doctrines; consequently ‘true Ministers of the Gospel’ are publicly abused and reviled by bold heretics and blasphemers. Toleration, called liberty of conscience is ‘one of Satans strongest baits’.¹⁴⁶ Settled reformation is hindered by diverse false teachers who unit to entangle ‘poor silly soules in Errors lime-twigs’ who greedily embrace soul-destroying schism, heresy, blasphemy, libertinism and finally ‘desperate Atheism.’¹⁴⁷ Why, when facing ‘Independent Sectaries’ such as Arminians, Pelagians, Socinians and Antinomians, etc., is England silent? Readers should manifest their ‘former zeal to Gods glory and his pure truth,’ by renewed petitions to Parliament for repression of schisms, heresies and blasphemies and the ‘false-teachers thereof.’¹⁴⁸ Those who ‘deny us to be a true Church’ should be denied positions of power or public trust.¹⁴⁹ This publication cried down committees particularly that of Kent, for tyrannously opposing parishioners’ support for the City Petition, and denounced the *Weekly Intelligencer* for commending such opposition. Anyone opposing a petition for reformation and God’s glory was evidently an Independent sectary or Popish malignant.¹⁵⁰

The coverage of these events and developments in newsbooks is not only significant because of their popularity and thus influence on public opinion, but also because what was selected to be published to the nation indicates what was considered to be important news by the editors. Discussion of Parliament’s proceedings in these matters

¹⁴⁵ Macock, John, (publisher), *Englands Remembrancer*, ‘Numb. 2’, (1- 29 February, 1647), p. 9; I owe to Ian Atherton the observation that Macock, publisher of this newsbook, was connected within the Presbyterian stationers network, and appears by his other published titles to have been opposed to Independency.

¹⁴⁶ *Ibid.*, pp. 10, 11

¹⁴⁷ *Ibid.*, p. 12

¹⁴⁸ A reference to Revelation 2:4-5, *Ibid.*, p. 13

¹⁴⁹ *Ibid.*, pp. 15-16

¹⁵⁰ Macock, *Englands Remembrancer*, ‘Numb. 2’, pp. 17- 20

also increased a sense of their public accountability. The extraordinary humiliation was further broadcast by the pamphlet, *Hell broke loose: Or, A Catalogue Of many of the spreading Errors, Heresies and Blasphemies of these times, for which we are to be humbled*, an unofficial publication printed on 9 March the day before the fast. The title page reproduced the first part of the humiliation Ordinance, and a further heading stating ‘This is a day of Trouble, and of Rebuke, and of Blasphemy.’¹⁵¹ The wide advertisement of the impending fast in print and pulpit would have made it a focus for public discussion.

10 March sermons

Whilst it is reported in the Lords’ Journal that they kept the fast the sermons do not appear to have survived; Mr Rawlinson was thanked for his sermon this day and desired to have it printed, although Mr Martyn, curiously, was not mentioned (perhaps in the event he did not preach, or, his sermon was unfavourably received).¹⁵² The two ministers who preached before the Commons were Richard Vines, (his sermon was printed as: *The Authours, Nature, and Danger of Haeresie*), and Thomas Hodges, (whose sermon was printed as: *The growth and spreading of Haeresie*, echoing closely the Ordinance title). Although it is not stated, Vines, appointed first, probably preached in the morning, (he expounded the text 2 Peter 2:1), and Hodges in the afternoon, (on 2 Peter 2:2); they were thanked by the Commons in that order. The choice of texts indicates that Vines and Hodges colluded over the content of their sermons; they also both appealed to a significant

¹⁵¹ Anonymous, *Hell broke loose*, (1647), sig. Ar.

¹⁵² ‘10 March 1647’; ‘13 March 1647’, in *LJ V.9*

number of identical verses of Scripture, (though these were all common proof texts for heresy).¹⁵³

As both Vines and Hodges had preached against heresy on previous occasions MPs would have known their stance before appointing them. Vines preached at four other fast days before the Commons, one before the Lords, and four before both (one of these referred to heresy).¹⁵⁴ He had also preached a regular Easter sermon against heresy before London's Mayor and Aldermen, 23 April 1644. Ministers should protect and care for their flock, and silence 'soul-subverting teachers' not with 'invectives and railing' which 'anger the Gangrene' but with 'silent convictions and evidence of truth'; whilst the peoples' duty was to avoid divisive teachers and doctrines contradicting what they have learned.¹⁵⁵ A moderate Puritan who rose to prominence within the Westminster Assembly, Vines was unconvinced of divine forms of church government and sympathized with moderate Episcopalians and respectable Independents. He was one of the divines who offered religious services to Charles I before his execution, and refused to take the engagement in 1649, although he was not out of a living as a consequence for very long; as a mark of his prestige, he was also amongst those ministers assisting the committee advising Cromwell on the Instrument of Government.¹⁵⁶

On 10 March Vines preached on 2 Peter 2:1, warning against false prophets and teachers among the people who 'bring in damnable heresies, even denying the Lord that bought them, and bring upon themselves swift destruction.' He informed his listeners/readers that he chose to show who a heretic was rather than addressing what to do

¹⁵³ Including: Ephesians 4:14; Mathew 7:15; 1 Timothy 6:3; Titus 3:10; 1 John 4:1; 2 John 1:10; 1 Timothy 1:19; 1 Timothy 3:5; 1 Timothy 5:6; Titus 3:11

¹⁵⁴ Vines, Richard, *The posture of David's spirit when he was in doubtful condition. ... October 22. 1644*, (1644), pp. 16, 17-18

¹⁵⁵ Vines, Richard, *The Impostures of seducing Teachers Discovered ... April 23, 1644*, pp. 36-37, 38-39

¹⁵⁶ Vines, *The Impostures of seducing Teachers Discovered... April 23. 1644*, pp. 30-31; Lamont, William, 'Vines, Richard (1599/1600–1656)', *ODNB*

with him, and did not intend to ‘*speake thunder & lightning, but to speake to the enlightening of the minds of the auditory, and not to the burning of Haereticks bodies*’.¹⁵⁷ Vines ran through a number of characteristics associated with heretics, and heresy, for example it was subtle and insinuating, beginning only as innocent queries. However, he also cautioned against abusing the accusation of ‘heresy’ which made it disregarded as ‘a brand stigmatizing true believers,’ employed ‘to scare men from prying into the trueth by making it odious’, and reducing it ‘almost to nothing by such as are afraid to hit themselves by defining it’.¹⁵⁸

However, Vines revealed that underlying the fast was an expectation that it would result in some form of magisterial action. In these days he lamented, errors are bold and England has become ‘the common sewre to receive the garbage of other Churches’; all eyes, he reminded MPs, are on Parliament to find a cure, for which hope is renewed by the bonds of obligation they have made to the Covenant, by calling this fast, and through God’s mercy.¹⁵⁹ He drew attention to the debate over what this obligation and magisterial cure should be, noting that some argued that regarding punishment of ‘false Prophets and blasphemers’ the ‘Analogy between the Old and New Testament’ no longer held and should not be ‘drawn into consequence now’. Vines’ responded that people should ‘study to avoid the same sinnes’ rather than ‘to evade the like punishments’, as greater Gospel liberty did not excuse blasphemy because it was ‘accompanied with greater light’. Arguments for ‘*liberty of opinion*, falsely called liberty of conscience’ were a device of Satan; such liberty would destroy Scripture’s authority: ‘To make conscience the finall judge of actions, is to wipe out the hand writing of the word of God, which doth condemne many times, those things which conscience justifies’. Men should guard more against

¹⁵⁷ Vines, Richard, *The authours, nature, and danger of haeresie*, (1647), Epistle Dedicatory, sig. A2r, v.

¹⁵⁸ *Ibid.*, pp. 52, p. 50

¹⁵⁹ Referring to the heresies that originated abroad. *Ibid.*, p. 3

‘*corruption of their minds*’ and beware ‘sin in intellectual errors as in morall corruptions’; it was God’s mercy not learning that protects us ‘from believing lies and delusions’.¹⁶⁰

Despite claiming he would not speak on what to do with heretics, he argued that seducing heretics should be restrained like those with a running ‘*plauge-sore*’; without free vent many heresies would die out. Pulpits cannot contain the infection whilst like poison heresy is spread by books and ‘cryed at mens doors every day’. Vines was evidently stirring MPs up, declaring, we have professed and covenanted for ‘reformation and purity’, ‘*The world is weary of words*, they looke for fruit; Let this day set an edge upon you.’ He ends with a more moderating appeal to distinguish between error and heresy, ‘*seducers and seduced*’; he impressed upon those ‘called pure *Independents*’ to zealously declare against heresies that would ‘shelter themselves under their name or wing’. Indulgence or toleration would be to sell the Church ‘into a *liberty* of being in *captivity to destructive confusions and errors*’.¹⁶¹ This seems to be a direct reference to a petition which Vines put his name to, in which the tenth reason given against tolerating separation was that: ‘All other Sects and Heresies in the Kingdom will safeguard and shelter themselves under the wings of Independency, and some of the Independents in their Books, have openly avowed, that they plead for Liberty of Conscience as well for others, as for themselves.’¹⁶²

Hodges preached at four other Parliamentary fast days, two before the Lords and two before the Commons, and was an active member of the Assembly.¹⁶³ As Atherton points out Hodges was dimly linked with Familist and Antinomian contacts in the 1630s, although by the 1640s he was a prominent opponent of Antinomianism and libertinism and

¹⁶⁰ *Ibid.*, pp. 8-9, 27, 60, 54, 57

¹⁶¹ *Ibid.*, pp. 65, 66, 69, 70

¹⁶² In Anon., *A letter of the ministers of the city of London, presented the first of Ian. 1645. to the reverend Assembly of Divines sitting at Westminster by authority of Parliament, against toleration*, (London: 1646), p. 4

¹⁶³ See the 1st Appendix in Wilson, *Pulpit in Parliament*, pp. 239-254; the only printed sermon of these others in *EEBO* and the *English Short Title Catalogue*, is: Hodges, Thomas, *A glimpse of Gods glory... September 28. 1642*, (1642), pp. 16-17

betrayed no unorthodoxy, (indeed his appointment to preach at this humiliation would have been rather strange otherwise).¹⁶⁴ Hodges was one of the ministers who subscribed to a petition to General Fairfax and the Council of War opposing toleration and the regicide.¹⁶⁵ In an earlier fast sermon before the Commons Hodges had set forth honouring God, repentance and furthering reformation as the cure for heresies; more specifically he called for severer laws against blasphemers, and bestowing the sword of justice upon the godly who would care for God's honour.¹⁶⁶

On 10 March Hodges preached on 2 Peter 2:2, 'And many shall follow their pernicious wayes, by reason of whom the way of truth shall be euill spoken of'. He opened by appealing to history to illustrate the destruction caused by error in every century of the 'Church-story'; liberty caused states to become accessories of their own destruction as God poured out 'the testimonies of his vengeance from heaven upon them'.¹⁶⁷ As evidence he noted that Antioch 'a nurcery of heresies' was shaken then consumed by fire from heaven; Nestorius' tongue was eaten by worms; and Anastasius, an Eutychion, 'was smitten with a thunderbolt'.¹⁶⁸

Heresies, he warned, were dangerous and corrupt all the faculties of the soul as deadly diseases do the body; do not out of curiosity even sip from this golden cup of poison thinking to keep your minds free. Error intoxicated; it produced 'spiritual *vertigo*', destroyed the light of the mind, and bewitched the spirit.¹⁶⁹ Heretics, to ensnare the unwary, 'gild over their more horrible opinions with orthodox truths,' or with expressions

¹⁶⁴ Atherton, Ian, 'Hodges, Thomas (c.1600–1672)', *ODNB*

¹⁶⁵ Breedon, Zachariah, *The humble advice and earnest desires of certain well-affected ministers, lecturers of Banbury in the county of Oxon, and of Brackly in the county of Northampton, to his Excellency Thomas Lord Fairfax, ... Presented Januray 25. 1649*, (1649)

¹⁶⁶ Hodges, Thomas, *A glimpse of Gods glory... September 28. 1642*, (1642), pp. 20-33

¹⁶⁷ Hodges, Thomas, *The Growth and Spreading of Haeresie, ... 10th day of March*, (London: 1647), pp. 3, 5, 6

¹⁶⁸ Anastasius, 399-402 and Nestorius, 381-452 were accused of heresy regarding the two natures of Christ, see: Stevenson, *Creeds, Councils and Controversies*, pp. 335-336, 288-290; Hodges, *The Growth and Spreading of Haeresie*, (1647), pp. 6-7

¹⁶⁹ *Ibid.*, pp. 8, 13, citing Galatians 3:1, p. 13

that seemed innocent to ‘ordinary capacities’.¹⁷⁰ Although heretics appeared to be fair outwardly shining with ‘gilt of truth and righteousness’, inwardly was nothing but ‘darknesse and impiety’ of ‘vain imaginations, self-estimation and ends’ tending to destruction.¹⁷¹ This dissemblance he cautioned was the reason the errors of heretics in the past such as Montanus, Novatus, Arrius, and the Munster Anabaptists, were initially overlooked.¹⁷² New revelations Hodges explained were less new matter than ‘a new dresse in new found language and unintelligible words’ for older errors. As ‘Divine testimony’ was the highest, and infallible authority heretics would blasphemously attribute their errors to ‘the Spirit of truth’ to gain belief.¹⁷³

To prevent the spread of heresy, Hodges exhorted lay people to learn the principles of religion; seek the light of God’s Spirit; avoid those causing divisions; be loyal to their faithful Pastors, and Church; and attempt greater godliness, grace and humility. Speaking to the ‘Truths Guardians’, Hodges pointed to Elijah in the Old Testament who had the prophets of Baal slain, arguing that magistrates had a duty to eliminate heretics to prevent dishonour to God; as a last resort, the ‘Seducing prophet must die’.¹⁷⁴ They could accomplish pure religion, by hastening catechising and education; exposing errors by pulpit and pen; settling a Confession of Faith; and using laws and ordinances to silence seducers and ‘command that Truth be taught’.¹⁷⁵ Furthermore, by suppressing erroneous teaching in the universities, providing maintenance for ministers, and preventing the illiterate from pestering the Church. However, when other endeavours have failed, cut off

¹⁷⁰ Hodges, *The Growth and Spreading of Haeresie*, (1647), p. 24

¹⁷¹ *Ibid.*, p. 14

¹⁷² *Ibid.*, p. 18

¹⁷³ *Ibid.*, pp. 22, 21

¹⁷⁴ 1 Kings 18: 40; Hodges, *The Growth and Spreading of Haeresie*, (1647), pp. 47-53, 57

¹⁷⁵ Hodges, *The Growth and Spreading of Haeresie*, (1647), pp. 54, 55, 57; one of the blasphemous and ‘horrid Pamphlets’ Hodges lists includes ‘that of Paul Best, the Mad-man Divinity’, which does not appear to have survived.

with the sword broached doctrines mingled with heresy, blasphemy or sedition, for ‘The thunderbolt smites few, but frights many.’¹⁷⁶

The following day the Commons ordered ‘Mr. Rowse and Mr. Gewen’ to thank Vines and Hodges ‘for the great Pains they took in their Sermons’, and permission was given to print.¹⁷⁷ Their sermons are the only ones that survive in print for 10 March; however, there is evidence that the fast was observed in the Provinces and outside of Parliament in London. Hughes draws attention to the minister Henry Massy’s letter to his patron, reporting the humiliation being kept in Kendal, and David Underdown notes in his *Fire From Heaven*, that John White minister of Dorchester, in March 1647 held a ‘special Fast at St Peters, “to prevent heresies...the whole town attending”.’¹⁷⁸ Although his sermon does not appear to have been printed, as Underdown illustrates, we can catch a glimpse of what John White might have said from his previous sermon to the Lords, 26 November 1645, on the troubles attendant on reformation. Towards the end White turned his attention to heresy; the Church was disrupted but not destroyed by conflict over ecclesiastical discipline, but heresies that dangerously strike the foundation of faith and ‘power of godliness’ cause divisions requiring the help of all civil and ecclesiastical power. These were revived by ‘our *Antinomians, Arminians, Anabaptists, Seekers,*’ and the like, some blasphemously denying the deity of Christ and the Holy Ghost, and ‘establishing free-will against the free grace of Christ’, others rejected repentance and confession for sin

¹⁷⁶ *Ibid.*, p. 56-57

¹⁷⁷ ‘11 March 1647’, *CJ V.5*; a Mr Rowse comes up in the Commons Journals frequently as being a member of a number of parliamentary committees, particularly in connection with religion, preaching, and on several occasions calling for fast days (1641; 1652); most likely Francis Rous, ‘nominated a lay assessor of the Westminster assembly on 12 June 1643.’ Colin Burrow, ‘Rous, Francis (1580/81–1659)’, *ODNB*. Most likely the Thomas Gewen who was also included on parliamentary committees, particularly those connected with the army, see *British History Online*. He is also listed as a speaker in Parliament, for: ‘*Cornwall*, 1654; *Launceston*, 1656, 1658-9’, in: *BURTON V.4* p. 491

¹⁷⁸ Hughes, *Gangraena*, pp. 379-380; Underdown, David, *Fire From Heaven: Life in an English Town in the Seventeenth Century*, (London: Fontana Press, 1993), p. 210; Dorset Record Office, Dorchester Borough Records, DC/DOB/16/6E, is a list of monies collected at sermons which contains a reference to John White’s sermon given 10 March 1647. I am grateful to Ann Hughes for pointing me to this Dorchester fast.

as ‘derogatory to Christ’s satisfaction.’ Citing the familiar verse 2 Timothy 3:6 which warned that such people ‘creep into houses’ captivating ‘silly women laden with sinnes’, White cautioned that heretics take advantage of the current unsettled condition, boldly assembling congregations and ‘poisoning the hearts of the unstable’. Denying the objection that ‘no established law’ warranted using the magistrate’s sword against heretics, he beseeched the Lords ‘to hasten some speedy remedy for these evils, lest the blood of the souls that perish by these seducers, be put upon your account at the last day’.¹⁷⁹

On 27 February 1647 Ralph Josselin, minister at Earl’s Colne Essex, referred to the impending 10 March humiliation in his diary: ‘received notice by letter to be at London March 11. to end our suit, all parties willing. I intend god willing to be there, although it is the day after the fast, the Lord in mercy afford me some opportunity of help for my place’.¹⁸⁰ This suggests that he intended to keep the fast, although there is no entry for 10 March in his diary which moves from recording a fast at Upminster on 9 March, to 11 March when he delivered two petitions to the Lords and Commons for the removal of ‘souldiers out of the County’, and concluded a business transaction.¹⁸¹ This is an intriguing omission, and leaves us to only guess at what might have been said; whilst Josselin was on speaking terms with sympathisers of Independency he clearly lamented the divisions in church and state.¹⁸²

At least three manuscript sermons survive in note-form, all non-Parliamentary, two at St Pauls London, and one assumed to have been preached at Wigmore Herefordshire, making it the only known available sermon for 10 March outside of London. This latter manuscript was a lengthy sermon composed and written (unlike the other two manuscripts)

¹⁷⁹ White, John, *The Troubles of Jerusalems Restauration, Or, the Churches Reformation. ... November. 26. 1645*, (London: 1646), pp. 57-58

¹⁸⁰ [Saturday 27 February, 1647], *JOSSELIN* p. 87

¹⁸¹ [Tuesday 9 March, 1647], p. 88; [Thursday 11 March, 1647], pp. 88-89 in *Ibid*

¹⁸² [Tuesday 23 May, 1648], p. 126; [Tuesday 16 May, 1648], p. 125, in *Ibid*

by the minister who preached it, Alexander Clogie.¹⁸³ This one-time Royalist and Episcopalian minister was, A. C. Bickley writes, by 1647 ‘officiating as minister at Wigmore, in Herefordshire, a living in the hands of the parliamentarian Harley family.’¹⁸⁴

Bearing only the heading ‘March 10 Fast for Heresies 1647’, Clogie’s sermon focussed on the apocalyptic text Revelation 2:4-5: ‘Neverthelesse, I have somewhat against thee, because thou hast left thy first love. Remember therefore from whence thou art fallen, and repent, and doe the first workes, or else I will come unto thee quickly, and will remove thy Candlestick out of his place, except thou repent.’ Clogie explained that in this text seven candlesticks represented Asiatic churches, and this warning was directed to the chief angel or pastor of Ephesus.¹⁸⁵ The first works, were diligence in ministering and preaching the Gospel; detesting wicked, impenitent men; careful governance of the Ephesian Church and examination of those entering ministry; ‘patience and unweariedness’ in duty and ‘suffering for the name of Christ’. The Apostle Paul foretold that the Ephesians would not endure hearing sound doctrine, but would follow their ‘ungodly lusts’ and new invented doctrines and teachers, in order to satisfy their desire for ‘novelty’ (Ephesians 4:14). Clogie argued that as the Ephesian Church was, we are now being ‘reft in peeces’ with sects, schism, heresies, and strange new doctrines. Without renewed zeal they stood to lose the Gospel light (or candlestick).¹⁸⁶

Advocating establishment of discipline, Clogie warned that the hedges of Christ’s vineyard needed to be kept, as the Devil’s ‘foxes and wild beas[t]s of the forest’ (heretics

¹⁸³ M.S. Rawl. E.155, Clogie, Alexander, ‘March 10 Fast for Heresies’; this sermon is attributed to Clogie by: Madan, Falconer, *Summary Catalogue of Western Manuscripts in the Bodleian Library at Oxford. Which have not hitherto been catalogued in the Quarto Series. Vol. III. (Collections received during the 18th Century)*, (Oxford: Clarendon Press, 1895), p. 270

¹⁸⁴ Bickley, A. C. , ‘Clogie, Alexander (1614–1698)’, rev. Karl S. Bottigheimer, *ODNB*

¹⁸⁵ MS. Rawl.E.155, pp. 209-210; this same text is cited in Simeon Ashe’s printed sermon *The Church sinking, saved by Christ*, (1645), preached before the Lords Wednesday 26 February 1645, following a quote from Psalm 74, ‘...shall the enemie blaspheme thy Name for ever?’, p. 20

¹⁸⁶ MS. Rawl.E.155, pp. 210-212, 210

and schismatics) were ever watching for opportunity to invade.¹⁸⁷ It was whilst men or laws were ‘asleepe’, or when those duty bound to discover and supress heresies were careless or ‘overborne’, that the Devil sowed his ‘tares of errors & heresy’.¹⁸⁸ These were as St Paul wrote, (2 Timothy 2:16-17), like a ‘Gangrene or canker’ that eventually leaves only ‘rotten[n]es[s] & putrifaction’.¹⁸⁹ In an interesting expansion on the parable of the tares Clogie expressed a concern common to the orthodox clergy, which was that tares were hard to distinguish from the wheat until fully grown, ensnaring men in drunken giddiness and an inescapable labyrinth. Often, like Pharisees, they appeared fairer on the outside than a ‘good and sound Christian’, fasting and praying oftener and more visibly. Tares cling and climb in dependence on the good wheat, until they overtop it, causing it to collapse and rot and wither.¹⁹⁰

Opposing separation, Clogie complained that our forefathers ‘yielded their bodies to bee burned’ for reform and truth, yet now, catechizing and teaching the creed and Lord’s Prayer to the young is neglected, whilst some ‘bragg they have forgotten them’.¹⁹¹ Unity he urged was the ‘soment & mortar yt binds the stones or bricks in a building togethr’.

Returning to an apocalyptic context, he warned ominously that divisions gave Papists an advantage, for popish doctrines of justification were preached and if schisms and sects prevailed ‘and the blind lead the blind...how long can it be ere popery’ returns and ‘overgrow the land?’ It is to be feared he continued, that more Jesuits and Papists are present now than in Queen Mary’s days when our religion was persecuted. Sects, schisms and new opinions were responsible for the disappearance of neighbourly love, having

¹⁸⁷ The church is also referred to as a vineyard and Ecclesiastical discipline as a hedge or wall ‘to keep out destructive dangers’, in Ashe, *The Church sinking, saved by Christ*, (1645), p. 32

¹⁸⁸ MS. Rawl.E.155, pp. 212-14

¹⁸⁹ *Ibid.*, p. 216

¹⁹⁰ *Ibid.*, pp. 216-218

¹⁹¹ *Ibid.*, pp. 219, 222-223

robbed us of our former unity and engaged us in an ‘endlesse warr’.¹⁹² He ended by hammering home the foreign threat of popery, with an illustration of the devil’s deceptive cunning whereby through fair appearance the Pope (anti-Christ) rose to great heights like ivy strangling an oak (the Church).¹⁹³

The two sermons delivered at St Paul’s Cathedral were recorded in the notes taken by John Harper, a fishmonger and London citizen.¹⁹⁴ Whilst these appear to be fairly full notes we are reliant on what Harper chose to note down for our sense of the messages delivered. ‘Dr Gouge’ preached in the morning; this was probably William Gouge, who was appointed to the Westminster Assembly in 1643, and was a scrupulous attendee, despite poor health. He was made a member of the committee for examining ministers in 1644, and of the committee drafting the confession of faith in 1645; in 1647 he was appointed one of the two assessors for the Assembly.¹⁹⁵ ‘Mr Scudder’ preached in the afternoon; this was probably Henry Scudder, who was (an often absent) member of the Assembly, and of the committee for Scriptures.¹⁹⁶ In a fast sermon to the Commons in 1645, Scudder brought up the growth of errors and schism: these were nourished by the accompanying error, ‘that men must enjoy *Liberty of Conscience*,’ denying the Magistrate power of restraint. This error had ‘many abettors, and pleaders for it’ and little had been done for its suppression; he feared it had corrupted some who were duty bound to oppose this ‘in-let and ground’ for tolerating all religions. Such ‘*Gangrens*’ as heresies and errors would destroy all if unstopped; the Apostle instructed their propagators to be shunned, and their mouths silenced ‘les they deceive others’ and increase ungodliness. The first way to

¹⁹² *Ibid.*, pp. 223-224

¹⁹³ *Ibid.*, p. 225

¹⁹⁴ William Andrews Clark Memorial Library, M.S., ‘B8535 M3, 1625-1665’, ‘Sermon notes of John Harper’, hereafter ‘Harper’. I am indebted to Ann Hughes for passing on copies of these documents and drawing them to my attention in the first place.

¹⁹⁵ Usher, Brett, ‘Gouge, William (1575–1653)’, *ODNB*. Although possibly his son Thomas Gouge, Greaves, Richard. L., ‘Gouge, Thomas (1605–1681)’, *ODNB*

¹⁹⁶ Gibson, Kenneth, ‘Scudder, Henry (d. 1652)’, *ODNB*

silence false teachers, Scudder conceded, was to convince them of their error by sound doctrine; if that failed then next proceed by ‘Ecclesiasticall censure’; but, if they still persisted ‘God hath given power to the Civill Magistrate to restrain them’ that do evil, so that men live in godliness as well as peace. For, ‘what greater evill can a man do, then to seduce his brother?’¹⁹⁷

On 10 March Gouge preached on 1 Timothy 1:20, which referred to Hymenaeus and Alexander, who falsely taught the resurrection was already past destroying the faith of believers, and whom the Apostle Paul had ‘delivered unto Satan, that they may learn not to blaspheme’.¹⁹⁸ Gouge cited this example to explain that there existed only the two kingdoms of Christ and Satan; those delivered into the Church were saved ‘from the power of darknesse’ into ‘the Kingdome’ of God’s ‘deare Sonne’, whilst those cast out of the Church into Satan’s kingdom were under his power, so they may come to know and experience that which they were ignorant of.¹⁹⁹ Gouge identified all ‘maner’ of heresies and errors as ‘unsufferable’ blasphemy, as blasphemers were those opposing God and truth; therefore, he cited Titus 3:10, advising that a person continuing ‘pertinacious and obstinate’ after a second admonition should be cast out of the Church. Gouge interpreted the Apostle’s desire that those who troubled the Church would be cut off, to mean cut off from life: ordinarily by civil magistrates, occasionally by God, and lastly from those in heaven.²⁰⁰ Thus he clearly advocated the death penalty as a form of punishment.

Gouge denied the Scriptural warrant for this ‘monstrous Tolleration of all opinions’ being called for; new lights were simply neglect of the ‘old lights of Gods word’, and to suffer heresy, blasphemy and fundamental errors would contradict the faithfulness of the

¹⁹⁷ Scudder, Henry, *Gods warning to England by the voyce of his rod. ... Octob. 30. 1644*, (London: 1644), pp. 28-29

¹⁹⁸ Gouge, William, ‘March up[o]n 10th. 1646’, in Harper, p. 114

¹⁹⁹ *Ibid.*, pp. 215-216

²⁰⁰ *Ibid.*, p. 217

Church as ‘the pillar and ground of trueth’. Satan aimed to sow tares in the Church using dangerous ‘seedsmen’ who should be ejected.²⁰¹ Gouge defined blasphemy two ways: first, ‘when that due to God for the honor of his Name is taken away’ and second ‘when that due to God is given to Idols’; thus blasphemy (clearly linked with heresy), was defined as idolatry which was punishable under the First Table of the Decalogue.²⁰² In a clear reference to Thomas Edwards’ *Gangraena* and wider anti-heresy polemic, Gouge warned that heresy was ‘as a gangrene eating from member to member’, where toleration ‘makes them more proud, and impudent’. Whilst in an age past 80 errors were counted, in these times ‘a learned brother hath set down, 176; and in an apendice, 15, and in another 23 more’. If, he exclaims, ‘this hydra hath so groen...is it not high time to humble our souls?’ Presumably anticipating cynicism towards the efficacy of this humiliation, he insisted good can only come of it, for fasting and prayer overcome ‘even devilosh errors’ where nothing else will. Wait, he appealed, upon God to bless the day’s humiliation.²⁰³

The danger of falling away made it essential to appoint elders to oversee the Church and redress what was ‘amisse’. Civil magistrates were concerned with the good of the state, whereas ecclesiastics aimed at ‘the good of the person...that the flesh may be destroyed, the spirit saved.’²⁰⁴ Although Gouge clearly supported civil and capital punishment for heresy his emphasis was more upon the spiritual dangers of error. Underlining the ‘use’ of his sermon, Gouge exhorted listeners to vigilance, so liars would not enter their houses and secretly undermine their families, or the state; a divided house/kingdom would not stand.²⁰⁵ To guard against heresy, people should firstly learn the ‘pur[pose] of the Christian faith’, to prevent being ‘carried away with every wind of

²⁰¹ *Ibid.*, pp. 218, 217

²⁰² *Ibid.*, p. 215

²⁰³ *Ibid.*, pp. 217-218

²⁰⁴ *Ibid.*, p. 216

²⁰⁵ Citing Jesus’ words in Mark 12:25

doctrine like children won with an rotter[n] apple. Tossed too and fro, like a light vessel tossed by the waves'. Secondly, remain in 'that sound, true doctrine you have bin brought up in.' Thirdly, build all on Christ not on yourselves. Fourthly, follow and delight in truth. Fifthly, walk worthy of your calling. Sixthly, shun those not in agreement with you. Lastly, Gouge urged that the 'mayne duty of the day' was to 'call upon God in prayer', that yourselves, your families, ministers and magistrates, would be upheld in truth, and the seduced returned 'into the right way'.²⁰⁶

Scudder, like Vines and Hodges, preached on 2 Peter 2:1-2, warning of infiltrating false prophets bringing themselves and others to destruction, and defaming the truth. Peter's epistles should forearm listeners to confirm the authority of the Scriptures, written by holy men inspired by the Holy Ghost.²⁰⁷ The Saviour warned in Mathew 7:15 of false prophets, ravenous wolves in sheep's clothing; false teachers come to seduce, creeping into houses, and transforming into an angel of light to deceive the unaware. All errors and heresies 'anywayes denying of Christ' were damnable, being against the foundation of faith; furthermore, they were 'very contagious'. Witnessing these false teachers rising up we 'ought to be humbled for it', however we should not be offended 'as if the Lord had not a care of his Church' because wolves appeared among his lambs. For, where God 'hath a church, the devill will have his chappell'.²⁰⁸ For further reassurance that heresies did not signify abandonment by God, Scudder cited 1 Corinthians 11:19: 'There shalbe heresies among you that those that are approved may be made manifest'. Therefore, God intended 'holy ends' by the presence of heretics, that they 'might fill up the measure of their sinnes, and cleare his justice' and that 'his power, wisdom and love may be shown in preserving his lillies among thornes.' Yet Scudder also interpreted their presence to

²⁰⁶ Ibid., pp. 218-219

²⁰⁷ Scudder, 'The 10th of March 1646', in Harper, p. 219

²⁰⁸ Ibid., pp. 220-221

indicate ‘that God is angry with us’; if false teachers and heresies were not suppressed he warned, greater judgements would come, as the removing of ‘our Candel Sticke, ye Gospell.’²⁰⁹

It was the lack of teaching on principles of religion, and the insufficient power of magistrates that had led to the rise of ‘New Lights’. He urged the people to avoid seduction by preserving God’s Spirit and ‘antient trueths’, practicing holy living and avoiding those teaching ‘pernitious doctrine’ who may tempt you. Guard yourselves, your family and servants, teaching and catechising them; you cannot force their consciences yet ‘restraine their persons’ from conversing with seducers, and remove infectious members from your family.²¹⁰ Next he addressed the authorities. Ministers should catechise the principles of religion, and elders watch out for and convict the ‘erroneous or scandalous’ in a brotherly way, excommunicating the obstinate. Civil magistrates by duty, should legislate and ‘ordaine w[ha]t punishment shalbe inflicted by inferior magistrates on such blasphemers’ as suit the offences, ‘whether it be losse of goods, banishment, or death’.²¹¹

The content of the 10 March sermons thus reveals a number of overarching concerns, including: identifying disguised heretics, appeals to Scripture, unity and charity, the evils of toleration, magisterial authority, providential judgement etc. Early fast day sermons employed bloody, war-inciting language not only to encourage the war effort but also to appeal for greater zeal in furthering reformation.²¹² One would therefore expect the 10 March sermons, ordered in support of the Covenant’s promise to extirpate heresies, to promote harsh dealing with heretics and blasphemers, especially when heresy and

²⁰⁹ *Ibid.*, pp. 220-221

²¹⁰ *Ibid.*, p. 222

²¹¹ *Ibid.*, p. 223; a reference to Ezra 7:26

²¹² For content of early fast sermons, see: Trevor-Roper, ‘The Fast Sermons of the Long Parliament’; Hall, Henry, *Heaven ravished: or A glorious prize, atchieved by an heroicall enterprize:... May 29. 1644*, (1644), pp. 71, 3, 4, 6, 8, 10, 27, 34, 61, 67, 68; see also: Donagan, Barbara, ‘Did Ministers Matter? War and Religion in England, 1642-1649’, *Journal of British Studies*, Vol. 33, No. 2, April (1994), p. 136

blasphemy were amongst the sins being blamed for impeding the Parliamentary cause.²¹³ It appears that although the 10 March sermons did not overly dwell on the possible punishments, (days of humiliation by nature prompted more individual meditation), all of them opposed religious liberty, and supported the magistrates' coercive power in religious matters. However there are noticeable differences in emphasis between sermons against heresy which were aimed at Parliament (including sermons prior to 10 March), and those which were not. Before the magistrates, preachers who took a more moderate stance focussed on how to identify heretics, ways to attempt reconciliation before punishment (if punishment was mentioned), and cautioned against careless accusations of heresy. There was also concern to demonstrate that a distinction between lesser errors or differences should be made, although only within the bounds of the godly; liberty of conscience was conceived to be strictly curtailed within this context. More severe preachers employed a greater appeal to the Old Testament, to urge reformation and the amputation of stubborn heretical members as a duty of magistrates, and the consequences if they should fail; this distinction is evident between Vines and Hodges.

The three non-Parliamentary sermons, by Clogie, Gouge and Scudder approach the alarming presence of heresies from a communal and pastoral perspective; rather than focussing on controversy over liberty of conscience, they tended to urge people to remain within the safety of the Church and denounce divisions which weakened the kingdom, but also the individual household. The duties of individuals were expounded upon in greater length: catechizing and watching over one's family; prayer for oneself, family, ministers and magistrates, as well for unity and orthodoxy; being wary of potential seducers and false prophets; and testing new teachings. Prayer and avoidance, maintaining ancient truths, revering Scripture, and preserving one's conscience through holy living were given

²¹³ For more on the Covenant see below

as the appropriate responses to heretics. The distinction between preaching aimed at lay-folk and magistrates is also brought into focus when one considers the differences between two sermons discussed below for 26 May 1647, Smyth preaching in Suffolk and Case at Westminster.

Due to the limited number of sermons available for 10 March one is left only to speculate whether or not more radical ministers kept this fast day, and if they did, what they preached on. A clue to what John Goodwin might have preached is indicated by a translated treatise on how to respond to heresy, printed in 1648; his epistle is dated 9 February 1647, however the printed letter following it from Dury to Hartlib, is dated 9 February 1648. It was therefore most likely produced the following year in 1648 and not directly connected to the Humiliation as it initially seems.²¹⁴

Satans Stratagems argued for the necessity of loving and respectful discussion of doctrinal differences, to both ensure that the Church was indeed teaching truth and to prevent obstinate adherence to errors. It also set out, what most orthodox Puritans would have considered a dangerously short and vague list of fundamental beliefs necessary for salvation.²¹⁵ Radically, it blamed the spread and continuance of heresies on ministers who rejected challenges to received orthodoxy out of hand, treating questioners harshly and contemptuously, without conscientiously considering and seeking the Spirit's guidance over the objections or doctrines presented.²¹⁶

²¹⁴ Especially as the work contained an address to John Warner, Mayor of London, who is listed as mayor in 1648. Noorthouck, John, 'Addenda: The Mayors and Sheriffs of London', in *A New History of London Including Westminster and Southwark*, (London, 1773), pp. 889-893 [via *British History Online*]

²¹⁵ See Acontius, Jacobus, *Satans Stratagems*, (London: 1648), pp. 1, 76-82. (Acontius was a sixteenth century Italian; a radical theologian and engineer, he wrote this book, published in Basel 1565, in response to charges of heterodoxy. See: Keller, A. G., 'Aconcio, Jacopo (c.1520–1566/7?)', *ODNB*). Coffey describes this list as 'a minimalist creed that even Socinians could endorse.' Coffey, *John Goodwin*, pp. 160-161

²¹⁶ Acontius, *Satans Stratagems*, pp. 10-15

Beyond 10 March

Heresy continued to be a subject of fast days, and the March humiliation was brought up as a reminder to Parliament of their pledge to extirpate error. On 28 April, Simeon Ashe pointedly reminded the Commons that the sermons they heard were most often publicised, and would ‘be upon Record’ against them, if they neglected ‘the counsel given in them’ in the name and authority of God, who, continually watched their ‘heart and wayes’.²¹⁷ The ‘bold pleading for toleration of all sects’ proved God’s goodness was returned with evil.²¹⁸ Regarding the ‘inundation of Errours and Heresies’, Ashe rhetorically asked whether they intended to pray yet do nothing? If you do not act ‘God will judge you as hypocriticall abusers of his Name and Ordinance. Doubtless proportionable to your sincerity in appointing that fast, will be your Zeale to suppress that, for which you professed humiliation before God.’ Having delivered this stinging pronouncement, Ashe’s advice is to speedily settle church government, with the aid of good magistrates in every county, to enliven old and make new laws to punish ‘old sins’ and suppress ‘new disorders’; employ time and study to discover ‘the best medicines to cure our growing diseases’; regulate and prevent the army from oppressing estates and infecting souls; reform the universities; and encourage ‘pious painful ministers’.²¹⁹

Zephaniah Smyth delivered a fast sermon at Wickham Market Suffolk, 26 May 1647, entitled in print *The Doome of Heretiques*.²²⁰ Smyth begins his printed epistle to the reader declaring people should not be discouraged by the present opposition to truth, as the Apostle Paul had foretold that the last days would be perilous times (2 Timothy 3:1), when

²¹⁷ Ashe, Simeon, *Gods incomparable goodnesse unto ISRAEL unfolded and applyed ... April 28. 1647*, (London: 1647), The Epistle Dedicatory, sig. A2v.

²¹⁸ *Ibid.*, p. 14

²¹⁹ *Ibid.*, pp. 32-34

²²⁰ Vicar of Chattisham 1650; admitted as Vicar of Bungay, Suffolk, 19 September 1656; ejected by 1662. See entry ‘SMITH, Zephaniah.’ in Mathews, *Calamy Revised*, p. 450

‘the Father of error and lies, and his Ministers’ would transform into ‘Angels of light’ to undermine truth and ‘exalt error’. He warned of impending woe to those whom God justly ‘gives up to strong delusions to believe lies, that they might be damned which believe not the truth’.²²¹ Within this context, Smyth proceeded to re-construct for readers the circumstances surrounding his sermon. Some listeners had scoffed at it, and when his sermon ended ‘a company’ had disruptively entered and called Smyth’s teaching ‘a doctrine of devils’. This company, including the High Constable, had invented ‘falsehoods, Slanders’ and scandals to make him appear odious; Smyth presented his printed sermon to all the orthodox to vindicate his faithfulness to Scripture. Although opposed by ‘men and devils’, the truth would prevail eventually; ‘in the interim it is good to pray and wait.’²²²

Smyth warned that substantial differences in religion caused men to devour one another, made religion odious, discouraged or perverted weak Christians, and hindered Christian community; this provoked God against them. The saints must pray and mourn and ‘give the Lord no rest until he compose our differences, and bring order out of confusions,’ for only God, and not King, Parliament, nor Armies, could ‘reconcile his people to himself’ and to one another.²²³ Displaying the prevalent anxiety demonstrated above of heretics disguised as the orthodox saints, Smyth listed five identifying features of heretics, who were: numerous; within the Church; subtle and crafty; ordained to condemnation; ungodly in practice and deniers of God and Jesus Christ.²²⁴ He recited the familiar warning of false prophets as ravenous wolves, and deceivers creeping into the houses of simple women; he also interpreted the parable of the sower (1 John 2:19) to be an admonition to God’s people to espy false saints and teachers, who ‘speake of God with

²²¹ 2 Thessalonians 2:11

²²² Smyth, Zephaniah, *The Doome of Heretiques: ... delivered in a Sermon at Wickham-Market in Suffolke, ...26 of May. 1647*, (London: 1648), epistle ‘To the Reader’, sig. A2r.

²²³ *Ibid.*, epistle ‘To the Reader’, sig. A2v.

²²⁴ *Ibid.*, pp. 3-4

their tongues and deny him with their lives'.²²⁵ Smyth, like other fast preachers, took pains to explain that God permitted heretics in the Church for good reasons: to reveal the approved and lovers of truth; to fulfil the Scriptures; finally, that 'Sound Christians might looke to their owne hearts'.²²⁶

Smyth criticised formality, warning that many who seem to pray 'oftener', perform family duties more diligently, and take greater pains to follow God's way than his listeners, had still been damned; therefore, beware 'resting in a bare profession of religion.'

Identifying the elect was worryingly difficult, however, as guidance he described a true believer as one who had faith founded on Christ; an upright heart; sound principles; obeyed God's call; private as well as public zeal; humility and steadfastness. Truth, unlike the wandering stars of errors, was compared to a fixed star – clearly visible, stable and unchanging. Smyth specifically informed his hearers he intended to prove predestination from Scripture, spending a good part of the remainder of his sermon opposing Pelagian teachings and objections to predestination.²²⁷ He employed his discussion of predestination to warn against the sin of heresy, declaring that heretics brought about God's purpose for them through their pride, wickedness and deception; in other words their reprobation.²²⁸ His effort to enjoin suppression of heresy was thus based upon the pastoral concern for individual godliness and adherence to Reformed orthodoxy.

Preaching on the same day as Smyth but to the Commons, Thomas Case identified the English Church with the nation of Israel, proclaiming it was a general reformation 'not *personal saving conversion* which makes a National Church'. Like sin generally, believing and maintaining false doctrines and heretical opinions was a form of spiritual adultery.

Whilst Parliament had done well pulling down idols in the churches, idols had multiplied

²²⁵ Matthew 7:15; 2. Timothy 3:1-7; Titus. 1. 16; Smyth, *The Doome of Heretiques*, p. 4

²²⁶ Fulfilling Scripture, e.g. 1 Peter 2:7-8; Smyth, *The Doome of Heretiques*, p. 5

²²⁷ *Ibid.*, pp. 5-7, 7-19

²²⁸ *Ibid.*, p. 10

because ‘every mans *opinions* is become his own *idol* which he adores and worships with highest veneration’.²²⁹ By implication, comparing England’s idolatry with that of Israel also implied impending divine judgement, and the legitimacy of capital punishment for one of the most heinous of sins. Given that idolatry was the most common charge made against Papists, this emphasis was likely to have linked the threat of heresy and Popery, particularly in the context of Satan’s opposition to the Church, in the minds of listeners. Being called to reform and heal the kingdom, it was Parliament’s duty to punish and suppress spiritual as well as physical whoredom; Case warned that liberty of conscience would lead to liberty of Parliaments, estates, houses, wives, perdition, souls and bodies – in short, the world turned upside down.²³⁰ Reiterating Ashe’s appeal the previous month, Case demanded: ‘What say ye to your *prayers*, and in special to your *late day of Humiliation* for the spreading of *Heresies* and *Blasphemies*, in print now to all the world? Wil ye fast for *Heresies* and *spare* them when ye have done? Wil ye humble your selves for *Blasphemies* against God and *Christ* and the whole *blessed Trinity*; and suffer men to *blaspheme* on?’ Men at home may fear to say so, but churches abroad will call it hypocrisy and mockery of God.²³¹ Despite the 10 March humiliation and the Presbyterian hopes that it would lead to decisive action in Parliament, none had yet been taken, and the frustration of those pressing for stricter measures against heresy and blasphemy was palpable.

In the same session that thanks were issued for Case’s sermon, the issue of long-delayed legislation against heresy was raised again. The Grand Committee was ordered to report the next Wednesday what had been resolved, whereupon consideration of the Ordinance would be taken up by the House. William Strickland was also to give report on

²²⁹ Case, Thomas, *Spirituall Whordome ... May 26. 1647*, (London: 1647), pp. 4-6, 8-9, 10-11, 25

²³⁰ Case, *Spirituall Whordome*, (1647), pp. 33-34

²³¹ *Ibid.*, p. 37

Biddle and the treatise he had written against ‘the Divinity of the Holy Ghost.’²³² Within this context sermons to Parliament that broached the problem of heresy must be viewed as attempts to influence attitudes towards heterodoxy during a period of policy-construction and turmoil. The Parliamentary factional crisis in the summer of 1647 affected the stress placed on eradicating heresy in the following months. Trevor-Roper argued that clergymen were conflicted over what to say in their sermons, particularly when in June 1647 ‘the mutinous Army, having seized the king, was hovering ominously around London, uncertain as yet whether to strike.’ One of the June preachers Nathaniel Ward professed in print his unwillingness “‘to come upon any public stage’” due to the perilous and jealous times. Though this may have been a post-event reflection, as Trevor-Roper argues his sermon offended almost everyone, received no thanks and was printed without invitation.²³³

In contrast to many post-10 March sermons, on 30 June 1647 before the Commons, Presbyterian Thomas Manton appealed for moderation and unity. He cautioned his ministerial ‘Brethren’ to avoid ‘loose stings and general declamations against errors and heresies’ which only ‘exulcerate minds,’ and prejudice and hinder ‘our testimony’ from being received; one side declaimed ‘superstitious antichristianisme’ and worldliness, and the other ‘errors, new lights, and new opinions’.²³⁴ Manton directed MPs, in accordance with James 1:16, to employ proof and argument before calling opinions errors, for ‘general invectives’ only made ‘superficial impressions.’²³⁵ Bitter words were not ‘the weapons of

²³² ‘26 May 1647’, *CJ V.5*

²³³ Trevor-Roper, ‘The Fast Sermons of the Long Parliament’, p. 326

²³⁴ Manton, Thomas, *Meate out of the eater, or, Hopes of unity in and by divided and distracted times. ... June 30. 1647, (1647)*, pp. 41-43

²³⁵ 1 Kings 19:12

our warfare' and passion revealed anger directed 'more against the person than the error', whereas God's servants must be gentle and patient, speaking softly to dissenters.²³⁶

Manton reproached the circulating heresiographies which reflected the aggravating spirit of former ages which had catalogued 'every lesser dissent and mistake' as a heresy or error.²³⁷ Vigilance against error did not justify 'straining every thing to the worst sence' so that those who 'vary from us' appear heretical, as shown by the misinterpretation of Christ's words by 'false witnesses'.²³⁸ The way out of this impasse Manton suggested, was to entreat ministers to leave public conferences and sermons which caused tumult and prejudice, and private disputes which were less about love and truth than strife and victory, satisfying neither party. Far more conducive to ending 'our differences' would be meetings that by 'friendly collation and loving discourse' propounded things by case rather than controversy.²³⁹ Specifically addressing MPs, Manton exhorted them to attempt again reconciliation amongst the godly as civil peace depended on '*Church peace*'; this should be a higher priority amongst ministers and elders than giving 'laws authoritatively to particular Churches'. Although opposed to a toleration of all opinions, he cautioned them not to endanger God's truths and 'to be tender of Christs little ones', and 'though there be *divers Colours*, yet let there be no *rent* in the Churches coate.'²⁴⁰

As the Presbyterian campaign for uniformity and against toleration between 1646 and 1648 demonstrated, many people viewed the 10 March Humiliation as a disappointment.²⁴¹ The Scottish commissioners joined the city and provincial petitioners, requesting in December 1647 that the Lords disband the army, uphold the monarchy, and carry out further reform (which it was by this point essentially powerless to effect). They

²³⁶ Manton, *Meate out of the eater, ... June 30. 1647*, p. 42. Citing 2 Timothy 2:25

²³⁷ This reference to cataloguing current errors is again most likely aimed at Thomas Edwards

²³⁸ John 2: 19; Matthew 26: 61; Manton, *Meate out of the eater, ... June 30. 1647*, p. 43

²³⁹ Manton, *Meate out of the eater, ... June 30. 1647*, pp. 42-43, 44

²⁴⁰ *Ibid.*, pp. 45, 46, 49, 48

²⁴¹ This campaign is mentioned above

also strongly voiced opposition, yet again, to the proposition for ‘a general and vast Toleration’, for although seemingly this ‘Indulgence’ would not extend to tolerating ‘Antitrinitarians, Arians, and Antiscripturists’, there was no express exclusion of tolerating their ‘printing, publishing, or preaching’, or any penalties provided for these activities.²⁴²

The commissioners bewailed the failure of the 10 March humiliation:

And are these the Ways and Means that the Houses of Parliament have thought upon, for suppressing Errors, Heresies, and Blasphemies, to desire that a Toleration of them may be established by a Law? Is the laying of a Foundation to propagate Heresy and Schism the best Way to extirpate the same? Are these the Fruits and Effects of their Solemn Fast and Humiliation? Certainly God will not be mocked!²⁴³

Change of the tide

This section will look at how, between the passing of the Heresy Ordinance and the establishment of the Commonwealth the dominant Parliamentary attitude to dealing with heretics shifted. This change is illustrated by comparing the 10 March Humiliation with a fast called by the Rump in 1650. As chapter four discusses in greater detail, the Heresy Ordinance was passed in May 1648, largely as a result of public pressure for a return to peace, and government by both king and Parliament. However, during that year the New Model Army became the dominant political force amongst the Parliamentarians and thus

²⁴² For inclusive settlement proposals in Autumn 1647, see chapter four

²⁴³ ‘18 December 1647’, *LJ V.9*

Independents acquired positions of prominence from which they would not be removed for the best part of the next decade. Significantly, Tate, one of the ardent Presbyterian compilers of the Heresy Ordinance was secluded from Parliament during Pride's Purge in December 1648.²⁴⁴ Accusations of heresy and blasphemy corrupting the Army continued to cause anxiety, and, in some ways confirming contemporary fears, Ian Gentles found that the most commonly punished crime in the New Model army, next to desertion, was blasphemy.²⁴⁵ Army officers kept a day of humiliation in September 1649 out of concern for the rank and file's increasing attraction to Antinomianism, atheism and profaneness; and Anne Laurence notes another humiliation ordered amongst the garrisons, held in May 1650, for the success of an impending expedition to Scotland, and also for reform of "those gross Enormities of Drunkenness, open Prophanation of the Lords day, and contempt of the Ordinances of Jesus Christ". Letters to Whitehall reporting on the day's success survive from a number of garrisons recording varied responses, from non-cooperative, reluctant or noncommittal, to enthusiastic.²⁴⁶

The shift towards revolutionary change is illustrated in the action taken by officers of Lancaster Castle garrison against a minister supporting the Heresy Ordinance and the king. Dated 4 January 1649 the Clarke Papers contain a '*Charge against Mr. Thomas Smith*' concerning and listing the main points of a sermon he preached against heresy, on 2 Peter 2:2.²⁴⁷ Smith's depiction of heresy tied in very closely with the doctrines legislated against in the Heresy Ordinance, and almost read like a summary of all the other portrayals

²⁴⁴ Hughes, *Gangraena*, p. 381 and footnote 158

²⁴⁵ Gentles, *The New Model Army*, p. 107

²⁴⁶ A reference to concern over blasphemy and Ranters, *Ibid.*, pp. 88-90; returns exist for garrisons at: Nottingham, York, Dover, Sandwich, Weymouth, Southampton, Beaumaris, Carnarvon, Shrewsbury, Exeter, Windsor Castle, Dunster, Taunton, Liverpool, Hull, Hartford Bridge, Newcastle, Northampton, Canterbury, and Portsmouth. See: Laurence, Anne, *Parliamentary Army Chaplains, 1642-1651*, (Woodbridge Suffolk: The Boydell Press, 1990), p. 17

²⁴⁷ Possibly the Thomas Smith who was a Royalist and defender of Episcopacy and the Church of England: Hammond, Paul, 'Smith, Thomas (1624–1661)', *ODNB*

we have examined, he described heresy as gangrenous, worse than bodily pestilence, and warned that error would beget worse errors, and that toleration was ‘contrary to the law of God’. Smith specifically denounced those denying infant baptism, the Sabbath, free grace, preaching the law without the Gospel or vice versa, and separation from ‘the ancient Church of England’.

It is evident as this report unfolds that a primary issue was the political sensitivity of sermons delivered during the on-going royal trial; Smith is accused of praying before preaching, that if living, the king ‘might bee restored to his former dignity and honour, and if dead, that his blood may not be layd to the charge of this Kingdome.’ A ‘very honest man’ had informed the officers that Smith had declared there would not be peace until the Scots suppressed ‘the Independans and Sectaryes armye,’ and that if they invaded he would join them. As Smith had reportedly preached thus ‘in divers publique places,’ and ‘in many private discourses’, the officers humbly conceived he should be restrained to prevent his seduction of the people, and until he cleared himself of these charges.

This action obviously provoked opposition, as 8 February 1649 the officers drew up a declaration ‘To prevent misunderstanding’ defending their imprisonment of Smith. They protested they had proceeded against him not as a minister but as an ‘incendiary of the people’; they denied intending to ‘usurpe that tyranicall authority’ which they (meaning Smith and Presbyterians) desired ‘to imprison, banish, or brand any in the cheek with the letter B,’ who ‘out of conscience cannot submitt’ to their doctrine, as put forth in ‘a catechisme or pamphlett’ presented to the Commons by Bacon and Tate. Describing the Ordinance in this way suggests the officers did not take it particularly seriously, or regarded it with contempt. Curiously it is clear that the officers are referring to the 1646 draft and not the published Ordinance of May 1648 which made no mention of branding. It is possible that they confused the content of the two or intended their declaration to be a

reminder of the harshness of the original Presbyterian draft. Lancaster's ministers had been actively 'stirring the people' during and since the 'late war' against the army and Parliament, therefore in the interests of peace and truth they had acted only out of duty. Furthermore, they asserted, Independents, Anabaptists, Brownists and Seekers (whom Smith identified as heretics), are 'precious in the sight of God', differing only in the non-essentials.²⁴⁸

The purged Rump which sat as Parliament over the Commonwealth from 1649 supported a different vision of the Church to their Presbyterian predecessors. The Rump ordered a public humiliation, held 28 February 1650, which although not solely for heresy and blasphemy called for fasting and repentance for both. Between the Ordinance and the Act appointing the 1647 and 1650 humiliations is a world of difference in tone, wording, outlook and approach. The Ordinance, as noted above was published 4 February 1647, by authority of the Lords and Commons, and its title specifically stated it was intended for seeking God's assistance to suppress and prevent the growing 'Errors, Heresies and Blasphemies' present. Its appeal to the Covenant and its second clause for reforming religion and opposing anything 'contrary to sound Doctrine and the power of godliness', and warning against partaking of the sins of others, was a reminder of the solemn responsibility all people had to defend the truth. It emphasised that blasphemies and heresies dishonoured God and the kingdom, imperilled souls, and subverted the faith.²⁴⁹

The 1650 Act was also published on 4 February which is an interesting coincidence if not a pointedly intentional invitation for comparison. Unlike the Ordinance it gave no indication of a catalyst in its title, and rather than commencing by appealing to

²⁴⁸ Citing Romans 14:2; (signed by officers, Tho: Rippon; Wm. Warnoll; Joh. Metcalfe; Robte. Gollie; Fran: Angleby; George Smith), see: Firth, C. H., (ed.), *The Clarke Papers, Vol. II*, (Camden Society: London, M.DCCC.XCIV), pp. 160-163, 187-190

²⁴⁹ *An Ordinance of the Lords and Commons assembled in Parliament, concerning The growth and spreading of Errors, Heresies and Blasphemies, 4. Febr. 1646*, (London: 1647)

Parliament's own efforts, duties and zeal, it begins with the Lord, 'who Ruleth over the Nations, who disposeth and ordereth all things, according to the Good pleasure of his own Will...' God's intention is to 'warn and awaken the inhabitants of the Earth' to diligently search for, and live faithfully and fruitfully before, him. His Voice and Hand have been witnessed powerfully in rescuing the land from 'Tyranny, Popery and Superstition'; God's goodness and mercy should evoke duty and obedience, but instead of shame, astonishment and confusion that these are neglected, 'we finde...crying sins, hideous Blasphemies, and unheard of Abominations (and that by some under pretence of Liberty, and greater measure of Light)'. These are the only sins that are enumerated specifically; and the 'Abominations' are most likely a reference to the uproar on-going over blasphemies and Ranters.²⁵⁰ God was thus dishonoured and the Christian profession reproached.

In language which indicates a choice, the Act stated that the Nation and individuals were to be given the opportunity to acknowledge and be humbled before God for their sins. The fast's purpose was to earnestly pray on behalf of the Commonwealth that Christ's Kingdom be advanced; the Gospel propagated; that God would continue with them 'perfecting his great works'; that 'all Differences among Bretheren might be reconciled in love'; and wicked conspiracies to foment a new war discovered and prevented. In a declaration that is surely a blatant reference to their Presbyterian predecessors, this Act declares: 'Whilest ungodly men do make the Arm of Flesh their Confidence, we may testifie (from an abundant experience of the Lords Goodness) That our Strength is onely in the Living God.'²⁵¹ It is apparent that this Act is far more concerned with fostering commitment to seeking God, the advancement of Christ's Kingdom and the Gospel, and

²⁵⁰ See below

²⁵¹ Parliament, *AN ACT Appointing Thursday the last Day of February, 1649. for A Solemn day of Humiliation, Fasting & Prayer: And Declaring the GROUNDS thereof*, (1650)

repentance and unity amongst the godly rather than instilling fear of divine and magisterial punishment for a plague of heresies and blasphemies.

Millenarian expectations for an impending rule of the saints were prevalent amongst the godly charging the atmosphere with hope. Ralph Josselin, recorded in his diary on 28 February 1650 that the month was concluded with a public fast day, when he himself preached two sermons. He hoped ‘God will make it a day of mercy and goodness unto us’.²⁵² Josselin’s later entry for 19 December 1650 illustrates this Millenarianism: ‘at night my heart settled much expecting within a short space of 3. 4 or 5 years to see Christs work against the beast much advanced...’²⁵³ Two printed sermons exist for the humiliation of 28 February, delivered before the Commonwealth Parliament by John Owen, and Vavasor Powell another Independent minister, with a strongly millenarian outlook.²⁵⁴ Their sermons followed the tone of the Act promoting the humiliation, focussing on a positive adherence to Gospel teaching to advance the Lord’s cause, rather than the warnings against heresy and blasphemy of the 10 March sermons.

Owen warned Parliament that attempting to achieve their aims by ‘an Arm of Flesh’ or ‘Contrivances of Carnal Reason’ would be ‘no less an Abomination’ to God than sacrificing and burning incense to idols. He stated that the ‘peculiar aim’ of his sermon was to persuade people to glorify God by steadfastly believing, committing their ways to him ‘with Patience in wel-doing’, and rejecting the ‘varnished Appearance of Carnal Policy’.²⁵⁵ There was no excuse left for staggering, or disbelieving, because of God’s assurances, his faithful, unchanging, powerful nature, and because he empowered his chosen vessels,

²⁵² [Thursday 28 February, 1650], *JOSSELIN*, p. 191

²⁵³ [Saturday 19 December, 1650], *Ibid.*, pp. 223-224

²⁵⁴ Roberts, Stephen. K, ‘Powell, Vavasor (1617–1670)’, *ODNB*

²⁵⁵ Owen, John, *THE Stedfastness of PROMISES, And the Sinfulness of STAGGERING: Opened in a SERMON Preached at Margarets in Westminster before the PARLIAMENT Febr. 28. 1649. Being a day set apart for solemn Humiliation throughout the NATION*, (London: 1650 [Thomason date: 30 April]), Epistle dedicatory, sig. A2v.

however weak for the work they were given. They have, he declared, three promises: their souls' interest in the Covenant of Grace; that Christ's Kingdom will be established, despite opposition; the peace of the Nation.²⁵⁶ Religion and the things of God, which are the most important, should not be managed for men's own advantages, and Christ's truths should not be hidden for fear of prejudicing one's own affairs.²⁵⁷

The focus of Owen's sermon was the insufficient progress in preaching the Gospel, specifically in Ireland, where he lamented that Christ is 'only as a Lyon stayning all his garments with the bloud of his Enemies', and none 'hold him out as a Lamb sprinkled with his own bloud to his friends'. England's sovereignty and interests, he reproached MPs, should not be their only concerns in Ireland, and if they do not to their utmost sow the 'Seed of the Word', then surely numerous 'Seducers and Blasphemers' will sow their tares in 'those Fallowed Fields'. Some already, without ordination or call from God 'vaunt themselves to be God' openly in the streets 'with detestable Pride, Atheisme and Folly'; Ireland he warned, is in danger of becoming 'A Frippery of Monstrous, Enormous Contradictious Opinions'. As MPs avoid dishonouring themselves as rulers, they should take greater care not to dishonour themselves as 'Believers' which is their 'greatest Title' and privilege.²⁵⁸

Powell preached on all power and authority being given to Christ in heaven and on earth; people should stand fast in faith, and avoid sin and self-exaltation. He cautioned against ministerial self-exaltation as revealed by appropriating and assuming 'a power over the Saints and Churches of Christ', imposing laws on their consciences. By contrast, the Apostle Paul professed 'he had no domination over the faith of the Saints', but constantly helped bring faith and joy, only exercising power with the common consent of the local

²⁵⁶ *Ibid.*, p. 11

²⁵⁷ *Ibid.*, pp. 40-42

²⁵⁸ *Ibid.*, pp. 42-43, 44-45, 53

Church. He prayed that the Lord would remove ‘another roote of bitterneſte’ and pride in ministers’ hearts, where ‘we love men more because we are of their opinion, then because they are Saints, and friends of Jesus Christ.’²⁵⁹ Be gentle, he pleaded, ‘to ſome tender conſciences, who peradventure cannot ſubſcribe and ſubmit to your power and authoritie’.²⁶⁰ Powell aſſured Parliament that God was with them, and he claimed with Millenarian fervour, it was probable that the two witneſſes (Revelations 11:3-12) were ſlain already, and Chriſt was beginning to take power and reign; judgement was ſet and power to be put into the hands of the Saints. That being ſo, he urged that they firſtly, decreed nothing unjuſt and ſecondly removed all things offenſive to religious people, as laws in force and ſuperſtitious relics. Thirdly, they ſhould ſatisfy the needs of the diſtreſſed, ſuch as thoſe who ſuffered in God’s cauſe, and the nation’s poor. Miniſters and people together ſhould bleſs the Lord for a liberty to preach the Goſpel and to ‘worſhip Chriſt, according to rule and Conſcience’.²⁶¹

The tenor of the ſermons for this extraordinary Parliamentary faſt reflected quite clearly the Congregational emphasis on a greater degree of liberty of conſcience. Whiſt the duty of magiſtrates was ſtill urged, what this encompassed was the Independent view of bringing reform through Spiritual weapons rather than corporal; deſpite differences in opinion amongſt the godly inſtead of uniformity, unity in love was ſtressed. By contrast, as this chapter has illuſtrated, the dominant attitude amongſt influential miniſters during the 1640s, was that the threat and employment of civil puniſhment, and even death, for heresy was important for defending orthodoxy and unity, and neceſſary for retaining divine favour. This ſhift from Presbyterian attempts to eſtabliſh a uniform, Reformed and diſciplined national church, to a Congregational program of reform, is diſcuſſed further in

²⁵⁹ Powell, Vavaſor, *Chriſt exalted above all creatures by God his Father ... the laſt day of the laſt month called February 1649.* (London: 1651), pp. 74-75, 76-77

²⁶⁰ *Ibid.*, p. 89

²⁶¹ *Ibid.*, pp. 91-95

the next chapter through an analysis of the religious legislation passed, specifically the 1648 Heresy Ordinance and the 1650 Blasphemy Act.

Chapter Four

Legislation: The 1648 Ordinance and 1650 Blasphemy Act

This chapter will focus on two pieces of Parliamentary religious legislation and the circumstances in which they were constructed, namely, the 1648 Ordinance for punishing ‘Blasphemies and Heresies’ and the 1650 Act against ‘Atheistical, Blasphemous and Execrable Opinions, derogatory to the honor of God, and destructive to humane Society’. To understand this legislation it is necessary to first ask how it came to be passed, and who supported it. Discussion is organized into three main sections, comparison of the two pieces of legislation; the context for the passing of the Heresy Ordinance; and the context for the passing of the Blasphemy Act. The ideological shifts between the Heresy Ordinance of 1648 and the Blasphemy Act of 1650 reflect to an extent the political shift, as shown in the previous two chapters, from a Presbyterian dominance in London through Parliament and an Assembly of Divines, to an army-backed Independent seizure of power which led to radical challenges to the concept of a national church. A close analysis, it is argued here, will suggest that both pieces of legislation were passed as the result of complex negotiations, in the first case, for political reasons between Presbyterians and Independent grandees in the context of the civil wars; in the second, between moderate and more radical Independents. The 1650 Blasphemy Act, and the ‘Act for the relief of the religious and peaceable’ which repealed penalties for non-attendance at the parish church, it will be suggested, were the result of an attempt by magisterial Independents to allow the generally desired liberty of conscience for the godly, whilst taking pains to prevent immorality and licentious abuse of this freedom. This middle path granted liberty to the saints whilst maintaining the authority of the magistrate to punish in cases of irreligion, blasphemy and

atheism. Called by various titles, the ‘Act for the relief of the religious and peaceable’ seems the most appropriate given the content of the legislation, particularly as this is its title under the table of Acts and Ordinances of the Interregnum.¹ This chapter is mostly chronological in structure, however latter parts of it are ordered thematically in order to connect earlier events and debates with later developments.

As stated in the heresy/blasphemy legislation itself, both pieces were produced with different intentions in mind. The 1648 Ordinance states, briefly, that it was intended upon the authority of the Lords and Commons for preventing ‘the growth and spreading of Heresie and Blasphemy’, before launching into a long list of errors.² The 1650 Act however, under the authority of ‘The Parliament’ (the Commons), commences with a detailed explanation of the necessity for passing this bill; previous ordinances and laws made for furthering Reformation ‘in Doctrine and Maners’, and for suppressing ‘Prophaneness, Wickedness, Superstition and Formality’, had been found, despite Parliament’s care, to be ineffectual. The reason given, being that ‘divers men and women...have lately discovered themselves to be most monstrous in their Opinions, and loose in all wicked and abominable Practices hereafter mentioned’; these have rejected all Gospel Ordinances and ‘deny the necessity of Civil and Moral Righteousness’, which will not only notoriously corrupt and disorder, but even dissolve all ‘Humane Society’. It was therefore necessary in accordance with previous declarations, to provide strict measures against those abusing through licentiousness ‘the liberty given in matters of Conscience’.

¹ ‘27 September, 1650: Act for the relief of the religious and peaceable from the Rigour of former Acts of Parliament, in matters of Religion’, *A&O.I.*, pp. LXXVI-LXXXII. It is called the ‘Toleration Act’ in Smith, David. L, *The Stuart Parliaments 1603-1689*, (London: Arnold, 1999), p. 137, and Worden, Blair, *The Rump Parliament 1648-53*, (Cambridge: Cambridge University Press, 1977), pp. 238-239; it is called the ‘Repeal of the Act of Uniformity’ in Coward, Barry, *The Stuart Age: England, 1603-1714*, (Harlow: Pearson Education LTD, 2003), p. 541; and it is called ‘an Act repealing Several Clauses in Statutes imposing Penalties for not coming to Church’, [its other title in *A&O.I.*], in Coffey, John, *Persecution and Toleration in Protestant England, 1558-1689*, (Harlow: Pearson Education LTD, 2000), p. 149

² ‘2 May 1648: An Ordinance for the punishing of Blasphemies and Heresies, with the several penalties therein expressed.’, *A&O.I.*, pp. 1133-1136

This act then, was more specifically intended to uphold those doctrines that supported the ‘necessity of Civil and Moral Righteousness’, by penalising those vocal and written professions that undermined central doctrines based upon Gospel ordinances.³ This concern to explain and justify the passing of an act that penalised religious and moral offences is entirely lacking in the earlier ordinance, indicating a change in attitude amongst MPs or the godly in general, or both.

In terms of what was legislated against, the 1648 Ordinance was far wider-reaching in scope. The first and most serious errors concerned denial of the existence of God, the Trinity, the Almighty, Holy and Eternal nature of God, and the dual natures of Christ, his resurrection and atonement for sin; in short the sum of the Apostles’, Nicene and Athanasian creeds. They also included denial of the divine origin of the orthodox Scriptures (listed in the Ordinance), and of the immortal soul and judgement after death, around which the basic claims of Protestant Orthodoxy centred. Connected to these and listed under ‘Other Errors’ are opinions which ran contrary to Calvinistic doctrine. These lesser theological errors were essentially concerned with which, and how, people would benefit from Christ’s atoning sacrifice; the correct way to worship God; the location and state of the soul after death; the foundation and rule of Faith; moral guidance and the need for penitence; and the lawfulness of the two sacraments, observing the Lord’s Day, and practices of public/family prayer. Those of an ecclesiological nature concerned denial of the validity of the English Church, Ministry, Ordinances, Presbyterian Church Government, and the power of the Civil Magistracy. The last error cited was a denial of the lawfulness of ‘use of Arms’ for any cause, possibly a response to Socinian pacifism.⁴ As

³ ‘August 1650: An Act against several Atheistical, Blasphemous and Execrable Opinions, derogatory to the honor of God, and destructive to humane Society.’, *A&O.I.*, pp. 409-412

⁴ For Socinian pacifism see: Mortimer, *Reason and Religion in the English Revolution*, pp. 104-105, 112-113, 114-115

previous chapters have demonstrated, a rigid Presbyterian Calvinist orthodoxy, enforced by a coercive civil power, was not without its opponents.

In contrast, the 1650 Act was not a pronouncement against all significant errors, but against a narrower spectrum of opinions focussed around atheism, blasphemy, and profanity/immorality. The specific opinions listed mostly relate to challenges to the uniquely Almighty and Holy nature of God; the first part of the Westminster Confession of Faith declared that the light of nature, works of creation and providence manifested the goodness, wisdom and power of God.⁵ This is then perhaps indicative of an intention to punish on the basis of what was considered to be known from the light of nature, that is, what was known by all persons through their natural conscience, an argument made by some Independents (see below). Whilst both the Act, and the Ordinance, denounced the opinion that God was ‘not perfectly Holy’ and ‘Almighty’, the 1650 Act concentrated more on opposing human claims to divinity, or claims to be ‘in Honor, Excellency, Majesty and Power’ equal to the ‘true God’, or that God or ‘the Eternal Majesty’ dwelled only in the ‘Creature’. These claims would construct human idols by elevating human authority, as compared to the idolatry of worshipping pictures and images condemned in the Ordinance. This clearly indicates concern over pantheistic arguments, and possibly anti-Trinitarian refutations of Christ’s divinity or non-Trinitarian challenges which could generate the belief that Christians became sons of God in equal measure to Jesus.⁶ The next list of ‘licentious’ opinions in the Act relates to the nature of sin and appears to indicate fears of ‘antinomianism’.⁷ Some of these included denial of the Scriptures’ condemnation of ‘Unrighteousness’ and ‘acts of Uncleanness’; claims that unrighteous acts and persons are ‘approved of’ or ‘like unto God’; professing that ‘Denying and Blaspheming God’,

⁵ Westminster Assembly, *The confession of faith, and the larger and shorter catechisme*, (1649), p. 1

⁶ For a fuller discussion of the currency of these beliefs, see: Lim, *Mystery Unveiled*, pp. 67-123; and the Ranter Controversy, referenced in chapter one

⁷ For full studies on Antinomianism, see: Como, *Blown by the Spirit*; Cooper, *Fear and Polemic*

‘Swearing prophanely or falsly by the Name of God’, or committing acts such as lying, stealing, defrauding, murder, adultery, incest, fornication, drunkenness, etc., are not ‘things in themselves shameful, wicked, sinful, ... and detestable in any person’. Others included claims that acts of ‘open wickedness’ are as ‘Holy and Righteous as the Duties of Prayer, Preaching or giving of Thanks to God’, or that all things may be enacted by them ‘without sin’; and those committing ‘the greatest Sins with least remorse’ are most perfect and God-like. These refer to what were identified as Ranter tenets, see below. Finally, the Act condemns the opinions that unrighteousness and sinfulness only exist as determined by the individual judgement, and that Heaven and Hell, Salvation and Damnation either do not exist, or are ‘one and the same thing’. It seems apparent that it is the rejection of the orthodox interpretation of the moral teachings, authority of Scripture, and the doctrines on man’s relationship with God, sinful nature, and need for repentance that was being provided against. Of course, when considered closely, these challenges had serious implications for interpreting central Protestant doctrines. Whilst it does not positively enforce an ‘orthodox’ interpretation of these doctrines, like the 1648 Ordinance, it does penalise a range of ‘unorthodox’ interpretations.

The Ordinance sets out detailed instructions for the punishment of offenders. Obstinate maintaining and publishing errors under the first, more serious list was a felony; if proved guilty before two Justices of the Peace by the oaths of two witnesses, or by confession, offenders were to be imprisoned ‘without Bail or Mainprise’.⁸ Upon indictment at the next ‘Goal [Gaol] delivery’, refusal to abjure would result in sentence of death ‘without benefit of clergy’; in cases of recantation or abjuration the offender would only be released from prison when two ‘Subsidy men’ provided sureties against the future

⁸ Similar but not identical procedures; a prisoner released by Mainprise had to procure a certain sum of money for recognizance and was considered ‘out of custody’, whilst bailed prisoners were not always required to pay a particular sum, and were considered to still be in custody and could be re-seized. See: Hale, *Historia Placitorum Coronae*, p. 124

publishing and maintenance of those errors. Second time offenders were to be imprisoned until trial, and if found guilty of a former abjured error the sentence was death for felony without benefit of clergy. In the case of other lesser errors, conviction also required the oath of two witnesses or confessions before two Justices (one of the Quorum). If convicted, the offender was to publicly renounce their errors in the parish congregation where they had offended or the complaint arose; refusal would result in imprisonment until 'two sufficient sureties' guaranteed two local Justices against future publication or maintenance of those errors. However, unlike Medieval heresy legislation, indictment would not result in forfeiture of property 'or corruption of such persons blood', ensuring that a person's family would not suffer for their crime(s).

The 1650 Act was less severe against those who professed, maintained and published any of the opinions it listed. Complaint and proof before one or more Justice, Mayor or Head-Officer of any City or Town Corporate, and the oath of two or more witnesses (or a confession) were required for conviction. The punishment threatened was imprisonment for six months without bail or mainprize, and until sureties were found to assure good behaviour for one year. For a second offence however, again upon complaint and proof by two witnesses or confession, the accused would be confined to the Gaol without bail or mainprize until the next Assizes or Gaol-Delivery. The penalty for conviction was banishment from the English commonwealth and dominions; refusal to depart, or return without Parliamentary licence was to result in that person suffering death as a Felon. In the worst case then, one would under this later Act only be punished with death in the event of refusing to adhere to the sentence of banishment; furthermore, for a first offence, unlike the stipulation of the 1648 Ordinance, the accused was not required to recant and abjure, and after six months in Gaol would only face perpetual imprisonment if they could find no sureties. Even then, this was only to ensure good behaviour for one year

as opposed to the Ordinance's vague statement that the released must not publish or maintain their offence/s 'any more'. In both cases the authority to try persons accused of religious offences was entrusted to the civil magistrates, in place of the abolished ecclesiastical courts; the 1650 Act extended this to Mayors and Head-Officers as well as JPs.

That Parliament felt the need to justify passing the 1650 act is suggestive of a concern not to appear to be persecuting, and thus lose the support of the more radical godly. That it made no specific pronouncement on 'heresy' and punishments for heresy does not necessarily indicate that there was no concern to define and prohibit false beliefs, as we shall see below. However, the absence of the term is interesting. Why the shift in focus from 'heresy' and 'blasphemy', to 'blasphemy', between the 1648 Ordinance and the 1650 Act? The changes between the draft and final Ordinance can perhaps provide insight into this shift.

There are a number of omissions, additions and expansions between the 1646 draft and the 1648 Ordinance, however those differences most significant here appear to be those relating to doctrinal contentions and prevalent concerns. Thus whilst the draft was worded so as to punish those opposing a positive list of doctrines, the final Ordinance was directed against a negative list of opinions; this subtly suggests there was greater consensus for punishing heterodoxy than enforcing orthodoxy. The significance of this becomes clearer during the Whitehall debates (see below). In the draft, the belief that 'God sees no sinne in the justified', listed under the lesser errors, is rephrased in the final ordinance as 'a believer need not repent or pray for pardon of sins', a testament to both doctrinal disagreement and the sensitivity to fears over practical Antinomianism. One further significant difference is that the draft recommended any person found guilty of 'wittingly and presumptuously' blaspheming God's name, any of the Trinity, or impugning the Word,

should be judged a felon and ‘branded in the left Cheek, with the Letter B’, and for a second offence ‘shall suffer death.’ This is the only real omission from the final Ordinance; this clause was likely cut due to complaints that the ordinance was vague about who, and what it would punish (see chapter two). It is also probable that the use of branding was reminiscent of the Laudian excesses against Puritans in the 1630s. Even in the construction of the Ordinance then, there is evidence of disagreement over doctrine and anxiety over persecution of the godly.

A significant point is that the distinction between heresy and blasphemy was not always apparent, and often the two were considered to go hand in hand; the development of the Ordinance indicates a determination to penalise both. It is interesting that the draft Ordinance, as it was presented to the Commons by Bacon and Tate in September 1646, was entitled ‘*For the preventing of the growing and spreading of Heresies*’.⁹ The final version was expanded to ‘An Ordinance for the punishing of **Blasphemies** and Heresies, with the several penalties therein expressed’, (my emphasis), and sub-headed by this prescription: ‘*An Enumeration of several errors. The maintaining and publishing of these with obstinacy shall be felony.*’ Aside from declaring itself to be an ordinance ‘For the preventing of the growth and spreading Of Heresie and Blasphemy’ in the first line, the term ‘heresy’ is not repeated; instead, both blasphemy and heresy are referred to as ‘errors’. As noted above, two grades of error were distinguished in both the draft and final Ordinance; however, although one grade was clearly more serious than the other, the Ordinance never informs which is blasphemy and which is heresy indicating a confusion or ambiguity over the terms.

This is reflected also in the Parliamentary journals where Best’s opinions are more commonly referred to as blasphemous than heretical, although it is clear that anti-

⁹ Bacon, Nathaniel & Tate, Zouch *An Ordinance presented to the Honorable House of Commons. For the preventing of the growing and spreading of Heresies*, (London: 10 September 1646)

Trinitarianism was considered to be heresy in the fundamentals. The Assembly's occasional use of the term 'blasphemous Heresy', also indicates a muddy and interchangeable use of the two terms.¹⁰ References in the Lords and Commons Journals to discussions and the drafting of the Heresy Ordinance do not report in any detail the debates that took place in committee meetings, nor do they count the votes. However, 'The Kingdomes weekly Intelligencer' reported that the Ordinance for Blasphemy (note, 'Heresy' is not mentioned here) was read, and only the first branch relating to the Holy Trinity insisted on. The House was divided over whether 'offenders therein should be punished with death, or with the Abjuration of their blasphemy', and the issue was not decided.¹¹ 'The Moderate Intelligencer', also reporting for May 1, differed, claiming it was passed 'That Blasphemy be death, viz. to deny that there is a God, or the Trinitie, the Scriptures, or to that effect.'¹² It is of significance that according to this understanding of the errors punished by the Ordinance, that those opinions that warranted the death penalty were described here as *blasphemies* and not heresies.¹³ Blasphemy was evidently considered the more serious offence, thus partly explaining the focus on blasphemy rather than heresy in the Interregnum.¹⁴ Whitaker, who chaired the Committee against blasphemy and heresy, reported its proceedings to the Commons on 1 May 1648, whereupon with some alterations it was passed and referred to the Lords.¹⁵ On May 2, with no debate or vote recorded, Tate reported the Lord's concurrence, and it was ordered to be printed, and upon receipt, published by parish ministers the next Lord's Day.¹⁶ We will now turn to the context for passing the Ordinance.

¹⁰ From: '10 June 1645', *CJ V.4*; 'Sess. 555. Decemb. 16, 1645. Tuesday morning', *MINUTES VOL III*, p. 722

¹¹ Collings, *The kingdomes weekly intelligencer*, 'Numb. 258', (25 April – 2 May, 1648), p. 927

¹² Dillingham, *The moderate intelligencer*, 'Numb. 163', (27 April – 4 May, 1648), p. 1303

¹³ This is a distinction noted by John Coffey, but not highlighted: see, Coffey, *Persecution and Toleration*, p. 146

¹⁴ See also below

¹⁵ '1 May 1648', *CJ V.5*

¹⁶ '2 May 1648', *CJ V.5*

In an unpublished thesis on negotiating orthodoxy and godly settlement 1642-49, Youngkwan Chung argues that rather than a ‘freestanding piece of legislation’ the Heresy Ordinance was ‘part and parcel’ of the Presbyterian ecclesiastical system itself. The “‘positive” features’ which included ‘the statement of faith, directory for worship, and rules for discipline,’ would not have functioned fully without ‘the “negative” feature of a legal mechanism of deterrence for those who refused their exclusive implementation.’¹⁷ Beyond Chung’s reference to the 39 Articles, what has not been previously emphasized is the significance to the 1640s of the mid-sixteenth century attempts to produce a more Protestant settlement, particularly the *Reformatio legum ecclesiasticarum*; this wider interpretative context in which the 1640s and 1650s religious legislation can be placed will be considered in greater detail below. As with Edwardian reform, the 1640s focus was upon three ‘pillars’, of doctrine, worship/liturgy, and discipline.¹⁸ Sixteenth century Protestant reform resulted in the 39 Articles, the Book of Common Prayer, and (instead of the suggested *Reformatio legum ecclesiasticarum...*) a number of canons were introduced piecemeal across the respective Elizabethan and Stuart reigns upholding an Episcopalian government headed by the Monarch. In the 1640s, reform produced the Confession of Faith, the Directory of Common Worship, and an outline for Presbyterian government headed by Parliament (*The Form of Church Government to be used in the Church of England and Ireland*, passed 29 August, 1648), which was published but never fully established.

This Erastian form of Presbytery was the focus of extensive debate and disagreement. Warfield argues the Presbyterian majority in the Assembly strove (against Independent and Erastian members) for a more separate ecclesiastical settlement, but MPs

¹⁷ Chung, Youngkwan, ‘Negotiating Orthodoxy: Parliament, Toleration and Godly Settlement in England, 1642-1649’, (PhD thesis, Somerville College, Oxford: 2007), pp. 193, 194

¹⁸ Bray, *Tudor Church Reform*, p. clv

would not concede separate authority to the clergy in either agreeing Presbyterianism to be *jus divinum*, or in setting up new ecclesiastical courts; instead they reserved the authority to judge religious as well as civil cases, including the reasons for exclusion from the Lord's Supper.¹⁹ The form of government was also the focus of a recently published article by Chad Van Dixhoorn who suggests that Parliament, particularly the Commons, favoured Independency as it allowed a greater degree of lay control over the Church than a Presbytery which would be self-governed and disciplined, and have authority to discipline even MPs.²⁰

Had a more independent Presbyterian discipline for trying religious infractions been erected, the legislation against heresy might have instituted a rather different method for investigating charges of heresy and blasphemy. Due largely to determination to prevent any future clerical tyranny however, the authority of ecclesiastics was carefully curtailed by *The Form of Church Government to be used*.²¹ This allowed that synodic assemblies of pastors, teachers and church-governors could 'determine controversies of faith, and cases of conscience according to the word'; dispense excommunication and 'other Church censures'; and suspend the scandalous and ignorant from the sacraments, who were defined by over a page of enumerated offences which warranted exclusion, and a list of doctrines knowledge of which was necessary for admission.²²

However, elderships were cautioned that any capital offence fell within the sole jurisdiction of the civil magistrate who would inform elders of offences if necessary so sacramental suspension could be enforced. Confessions before the eldership could not be

¹⁹ Warfield, *The Westminster Assembly and its work*, pp. 40-43

²⁰ Van Dixhoorn, Chad, 'Politics and religion in the Westminster assembly and the "grand debate"', p. 129-148, in Armstrong, Robert, & O Hannrachain, Tadhg, (eds.), *Insular Christianity: Alternative models of the Church in Britain and Ireland, c.1570-c.1700*, (Manchester: Manchester University Press, 2013)

²¹ This was initially published by the Westminster Assembly of Divines, as, *Propositions concerning church government and ordination of ministers*, (1647), and was moderated before acceptance as *The Form of Church Government to be used*, (1648)

²² *The Form of Church Government to be used*, (1648), pp. 27, 30-31

used in a court of law.²³ Furthermore, any scandalous offences found by the eldership ‘not formerly enumerated’ were to be judged by any nine of a long list of MPs and London Aldermen in a committee of the Lords and Commons. If the process of examination and proofs was contested by either side, JPs or another eldership would examine the accused again.²⁴ Beyond this committee the two houses were to be the next recourse for appeal, and the committee was to report their cases and judgements to Parliament so the list of offences could be added to if appropriate.

Further guidelines were provided on the procedure for convincing the accused of their sin, and for suspension; also, for ‘the greatest and last Censure of the Church’, excommunication. This was to be inflicted against persons who hold, propagate and corrupt others with errors that ‘subvert the Faith’ or ‘overthrow the power of Godliness’; for sins that ‘cause the Name and Truth of God to be Blasphemed’; or practices that subvert order, unity and peace in the Church, particularly obstinate persistence in the enumerated scandalous sins. Persons were not to be excommunicated for erring in points where ‘Learned and Godly men possibly may or do differ, and which subvert not the Faith’ nor destroy Godliness, or for minor, common infirmities, or against those who keep the ‘Unity of the Spirit in the Bond of Peace’ yet cannot in conscience observe all rules for outward regulation of worship and government.²⁵

Although error in the listed fundamentals necessary to be known to partake of the Lord’s Supper, was stated to be cause for suspension and excommunication in obstinate cases, no indication is given here of harsher penalties for heresy and blasphemy than these ecclesiastical censures. Heresy and blasphemy would require the status of capital [or civil] crimes to come under the cognizance of the civil power, and thus without the 1648 Heresy

²³ Ibid., pp. 32, 33

²⁴ Ibid., pp. 37-38

²⁵ Ibid., pp. 39, 42

Ordinance, there was in fact nothing provided in the blueprint for ecclesiastical discipline that allowed for a stricter proceeding against heretics and blasphemers.

When looking at discussions of a new church settlement and definitions of orthodoxy/heterodoxy in the 1640s it is interesting to look back to the sixteenth century reformers. As highlighted previously the *Reformatio* was a revision of the English Ecclesiastical Canon drawn up by Cranmer, and it included a section on heresies and blasphemy; it is interesting that although the *Reformatio* was not passed, its list of heresies ties in closely as an inversion of many of the later 39 Articles.²⁶ When revision of the Church canon was planned in 1640 by a Laudian Convocation, editions of the *Reformatio* re-appeared in print in 1640 and 1641 suggesting continued support.²⁷ The first task of the Westminster Assembly was a revision of the 39 Articles, illustrating the significance of the Elizabethan settlement in the seventeenth century.²⁸ On the whole, the Confession of Faith was an expansion of the Articles but it takes on a distinctively and explicitly Reformed nature, with a clear focus on predestination, soteriology, and outward godliness. It incorporates most of the Articles though not distinctly, merging some together; some articles related to ceremonial aspects of the liturgy, and Episcopacy were left out, and excommunication and the appointment of ministers were dealt with in a separate ordinance. Acceptance of the three creeds enjoined by Article eight was also omitted.

²⁶ For example those parallels I have identified include: Heresy [hereafter 'H'] no. 5 in the *Reformatio*, and Article [hereafter 'A'] 2 in '39 Articles'; H no. 6 & A. 5; H no. 3 & A.6; H no. 4 & A. 7; H no. 7 & A. 9, 10, 11; H no. 8 & A. 14, 15; H no. 22 & A. 17; H no. 11 & A. 19; H no. 10 & A. 22; H no. 17 & A. 25; H no. 15 & A. 26; H no. 16 & A. 27; H no. 15, 19 & A. 28; H no. 10 & A. 31; H no. 20 & A. 32; H no. 13 & A. 37; H no. 14 & A. 38; H no. 15 & A. 39. For example: Heresy no. 5 included denying either Christ's deity, or his humanity, whilst Article 2 declared the Word became man, whereby 'Godhead and manhood' were fully joined in one person. See: Bray, *Tudor Church Reform*, pp. 189-191; Church of England, *Articles, whereupon it was agreed by the archbishops and bishops of both provinces, and the whole clergie, in the Convocation holden at London in the yere of our Lord God. 1562. According to the computation of the Church of Englande for the avoiding of the diversities of opinons, and for the stablyshing of consent touching true religion*, (1571), pp. 3-4

²⁷ Bray, *The Anglican Canons 1529-1947*, pp. xli-xlii

²⁸ Warfield, *The Westminster Assembly and its work*, p. 17

It has been argued by Chung that the Heresy Ordinance was based upon the 39 Articles rather than the Confession of Faith; however upon examination and comparison of the Heresy Ordinance against the 39 Articles and the Confession, it seems clear that the Ordinance was drawn up in conjunction with the latter.²⁹ Whilst there are certainly parallels in the content of the Articles and Ordinance this is not surprising given that the Confession was initiated as a revision of those Articles; all of the heresies or errors enumerated in the Ordinance are inversions of doctrines contained within the Confession, though not consistently ordered in keeping with it. Discussions in the Assembly itself (see chapter two) demonstrate the Confession and Ordinance were linked in the minds of Ministers and MPs, and additionally, several distinctive features of the Ordinance itself indicate its origins. In the enumeration of the biblical canon the Ordinance imitates the Confession in using the names Ezra and Nehemiah, whilst the 39 Articles calls them by the older names of 1 and 2 Esdras;³⁰ the Ordinance, like the Confession also enumerates the New Testament books which the 39 Articles does not; the Ordinance lists denial of the resurrection of men and a day of judgement as errors, in the Confession, the resurrection and judgement day are promoted in the final chapters (32 and 33) but are not included in the Articles. In alignment with chapter 23 ‘Of the Civil Magistrate’ in the Confession, which states the magistrate has a duty to suppress ‘all blasphemies and heresies’, the Ordinance confers power of examination and judgement of heretical offenders to local civil magistrates whilst Article 37 speaks of magistrates’ power in a narrower sense indicating the chief magistrate only, the Prince.

Given the links between them, there are, as would be expected, certain similarities in the orthodoxy of the 39 Articles and Confession, and the heresies enumerated in the

²⁹ For an argument linking the Heresy Ordinance with the Thirty-nine Articles, see: Chung, p. 212

³⁰ This name change is somewhat confusing; those books which in the Vulgate were called I Esdras and II Esdras became known as the canonical books Ezra and Nehemiah, whilst those books known as III and IV Esdras in the Vulgate became known as the apocryphal books I Esdras and 2 Esdras. See, Blenkinsopp, Joseph, *Ezra-Nehemiah: A Commentary*, (Philadelphia: The Westminster Press, 1988), p. 38

Reformatio and in the Heresy Ordinance. For example, the 39 Articles promote predestination (vaguely) and the Confession (strongly), and the *Reformatio* and the Ordinance both condemn free will. Relevant to discussion below of defining the basic outlines of orthodoxy are variations in promotion of the Apostles', Nicene and Athanasian Creeds. The 39 Articles specifically cited the three creeds in Article eight; however, whilst denial of the substance of the Nicene and Athanasian statements that God is omnipresent, omniscient, omnipotent, holy, triune, co-eternal and co-equal, are the first errors listed in the 1648 Ordinance, it does not specifically mention the three creeds. The *Reformatio* provides the substance of the Nicene doctrine on Christ's two natures but also neglects to mention the early creeds. As noted above, the Confession does not refer to the creeds either. It seems unlikely that Cranmer and the Westminster divines would have viewed denial of the creeds' substance as anything but heterodoxy; it is therefore probable that in all these cases omission resulted from a Biblicist desire to produce doctrine from Scripture only. Van Dixhoorn's study of the credal controversy in the Assembly also supports this contention; he points to division over 'clearing' Article eight because it insisted on an acceptance of the Apostles', Nicene and Athanasian creeds which some divines (both Independent and Presbyterian) felt elevated them to a status equal with Scripture. He illustrates that for a group of divines, labelled 'excepters', imposition of creeds generally (and set forms of worship) without specific Scriptural warrant were strongly opposed. In consequence of this opposition the creeds were left out of the Assembly's documents, even from the catechisms in which divines had assured MPs they would be discussed.³¹ Disagreement over the importance of these creeds, as illustrated below, appears to have been a perennial issue.

³¹ Van Dixhoorn, 'New Taxonomies of the Westminster Assembly (1643-52)', pp. 96-105

The *Reformatio* is of interest here primarily because of its suggested methods for dealing with heretics, and particularly as it was re-printed at the start of this period. Did it influence the heresy and blasphemy legislation in the 1640s and 1650s? It was evidently different in tone to the Heresy Ordinance. The worst punishment threatened in the *Reformatio* was banishment or perpetual imprisonment for obdurate heresy, although the Magistrate was allowed to choose an alternative punishment if he thought it conducive to their ‘conversion’ – which was the ultimate aim; however, all of the heresies (though listed in order of significance) would merit this punishment. If, sixteen days after confession or conviction a heretic did not repent, they were excommunicated and delivered to the magistrate for punishment. According to the *Reformatio*, blasphemy was far worse than heresy, being the most horrible of sins provoking God to greater anger and swifter vengeance than any other. The ‘crime of blasphemy’ is described as being when persons ‘turn against God in an attitude of supreme contempt’, or are ‘incited against him by the burning power of anger, and spew out abuse either against him or against the things which pertain to his most divine majesty.’ Blasphemy differs from heresy in that ‘blasphemy hurls invectives against God out of contempt and anger, whereas heresy adopts false opinions in error, and without knowledge.’³² This is another instance where blasphemy is set out as being a far more serious offence than heresy, yet curiously here a convicted blasphemer was to suffer the same fate as an obdurate heretic.

In the 1648 Ordinance, which took a far harsher approach to punishment, there was a clear distinction between more serious and lesser errors and the punishment reflected this, with obdurate blasphemy in the fundamentals resulting in death, and in the lesser errors imprisonment until providing assurance of future orthodoxy. The Blasphemy Act was not divided into lesser and greater blasphemies, and like the *Reformatio* provided one

³² Bray, *Tudor Church Reform*, p. 225

standard of punishment. The *Reformatio*, by not inflicting death intended the correction and conversion of souls. The penalty of temporary imprisonment imposed by the Blasphemy Act was also intended for correction, whilst death was threatened only as a last resort against reoffenders who rejected mercy in the form of banishment; in this sense it was more in keeping with the *Reformatio* than the Heresy Ordinance.

We return here to 1647 negotiations over religion, and consider their significance to the Rump legislation. According to Chung the Parliamentary Resolutions of 13 and 14 October 1647 marked the ‘defining moment for toleration in civil war Parliament’, though they recognized more than generated toleration. Chung claims these were not a compromise with Presbyterian MPs but set out a vision of orthodoxy which they did not intend to expand, even in the Rump.³³ Analysing these terms for toleration, Chung argues Independents favoured the first fifteen of the 39 Articles over the Westminster Confession because they were less reformed and thus allowed greater freedom to their more radical Anabaptist, Antinomian and Arminian allies.³⁴ The Reformed ‘concept of a visible ecclesiastical jurisdiction and discipline, implemented jointly by the civil magistrates and clergymen’ was also rejected, as religious liberty replaced a vision of godly reformation as theological justification for revolution, and ‘pursuit of truth, or one’s own view of the truth, took precedence over the pursuit of unity’.³⁵

Whilst this chapter does not wholly agree with Chung’s thesis (we see below how further reform was not an ideal incompatible with liberty), it has highlighted the significance of negotiations for political settlement with Charles to the broader discussions about religious liberty. Investigation of parliamentary debates revealed that the October 1647 ‘resolutions’ Chung writes about actually became the Sixteen Propositions, a

³³ Chung, p. 238-263. Chung’s thesis emphasises attempts amongst the multifarious godly to collaborate and compromise, and argues that this fragile coalition fractured following Parliamentary victory when a ‘feasible’ Church settlement failed to materialise. pp. i-x, 1-223

³⁴ Ibid., p. 262

³⁵ Ibid., pp. 270-277, 282, 294

settlement offered to Charles in late 1647; these had their origin in the nineteen Newcastle Propositions of 13 July 1646 (which formulated a Presbyterian settlement and made no mention of religious liberty). The development of the Sixteen Propositions and their relation to the settlement negotiations with Charles, and to the Rump settlement which followed his execution, further illuminate the discussions over the passing of the Heresy Ordinance and the Rump legislation. The context for passing the Ordinance was the slow build-up to the second civil war.

On 12 May 1647 Charles offered to confirm Presbyterian government, the Assembly and Directory for three years in exchange for freedom of worship for the royal household, and debate in the Assembly and Parliament for the church settlement thereafter; he expressed dissatisfaction with the Covenant but willingness to further unity between the two kingdoms.³⁶ Army fears over Presbyterian negotiations with the king and the Scots led to the seizing of Charles on 1 June by Cornet George Joyce and his removal to army headquarters in Newmarket on 4 June. The Army submitted their own terms for settlement to the king by 25 July, the 'Heads of the Proposals'. In addition to many political alterations they demanded greater religious freedom, by the passing of legislation to remove: 'all coercive power, authority, and jurisdiction of Bishops and all other Ecclesiastical Officers whatsoever, extending to any civil penalties upon any: and to repeal all laws whereby the civil magistracy hath been, or is bound, upon any ecclesiastical censure to proceed (*ex officio*) unto any civil penalties against any persons so censured.' Repeal was demanded of all legislation requiring use of the Book of Common Prayer and concomitant penalties, and any penalty for not attending church, or for meeting for worship elsewhere (Popish recusants and Jesuits should be discovered by other means). People

³⁶ '70. The King's third answer to the Propositions presented at Newcastle. [May 12, 1647. Journals of the House of Lords, ix. 193]', in Gardiner, S. R, (ed.), *The Constitutional Documents of the Puritan Revolution 1625-1660, Third Edition Revised*, (Oxford: Clarendon Press, 1951), pp. 311-316

should also not be coerced to accept the Covenant against their judgment.³⁷ On 6 August Fairfax led the Army into London, leading to the withdrawal of some Presbyterian MPs and strengthening the numerical position of the Independent MPs.

With the concurrence of the Scottish commissioners, Parliament re-submitted the Newcastle Propositions with minor revisions to the king on 7 September.³⁸ On 13 September Parliament received his reply. Charles declared the Propositions to be effectively the same as those offered at Newcastle; in conscience he could not consent as in 'many respects' they were 'more disagreeable' now than formerly. Despite previously rejecting the 'Heads of the Proposals', Charles now declared they were more conducive to satisfying all interests and likely to 'be a fitter foundation for a lasting peace, than the Propositions'. He would be prepared to accept the Proposals in amended form, for the settlement of 'the Protestant profession, with liberty to tender consciences, and the securing of the laws, liberties and properties of all his subjects, and the just privileges of Parliament for the future'.³⁹

During September and October, Parliament discussed the king's answer forwarding it to the Scots' Commissioners, along with the 'Heads of the Proposals'. Dispute on 22 September over whether to proceed by the Propositions, Proposals or Personal Treaty was indeterminate, so it was resolved for the 'present and future Good of the Kingdom' to turn the Propositions into bills. Between 23 and 29 September the Commons resolved to seek the concurrence of the Lords for resubmitting the most vital propositions to the king; a committee was appointed to discuss the proposition dealing with 'Religion, Government

³⁷ '71. The Heads of the Proposals offered by the Army. [August 1, 1647. [Rushworth, vii. 731]', in *Ibid.*, pp. 316-236

³⁸ 27 August – 7 September: 'Proceedings in Parliament: August 1st - September 4th, 1647', pp. 731-800; 'Proceedings in Parliament: September 6th - October 2nd, 1647', pp. 801-829, Rushworth, John, *Historical Collections of Private Passages of State: Volume 7: 1647-48 (1721)* [available online]

³⁹ '72. The King's answer to the Propositions of Parliament. [Despatched by the King September 9, 1647. Rushworth, vii. 810]', in Gardiner, *The Constitutional Documents*, pp. 326-327

and Doctrine of the Church.’⁴⁰ 4 October the Lords discussed a drafted ordinance for ‘settling the Government of the *Church in Presbyterian Way*’; it was decided to insert a clause for easing tender godly consciences, to be submitted alongside the Propositions for Charles’ assent.⁴¹

When we get to the 13 and 14 October, which Chung highlights, what we see is an attempt by both Houses to modify the religious settlement of the Propositions in dialogue with the Army Proposals and Charles’ stipulations for negotiation. On 13 October, the Lords proposed requesting the king’s consent to Presbyterianism (as established by the Directory) for three years, with provisions that removed penalties for nonconformity to this church government or form of divine service. Those who could not ‘voluntarily conform’ to the same could meet for worship and religious duties in ‘fit and convenient Places’ providing they kept the peace. This liberty was exclusive of Popery and Popish recusants; any practice ‘contrary to the Principles of Christian Religion’ contained in the Apostles Creed and expounded in Articles 1-15 of the Church of England; anything contrary to the principles of faith required for participation in the Lord’s Supper; and absence on the Lord’s Day without proof of reasonable excuse or hearing the Word elsewhere.⁴² The Commons added that tithes be reserved only to ministers submitting to Presbyterian government, and that ‘Liberty of Conscience, or Worship’, shall not extend to anyone printing, preaching or publishing contrary to 1-15 of the 39 Articles, *except* the Eighth which mentioned the three Creeds made many years after the Apostles. It is interesting, in light of earlier controversy over the creeds in the Assembly, that the Apostles’, Nicene and Athanasian creeds are omitted; it is suggested because of their historical distance from the

⁴⁰ ‘Proceedings in Parliament: September 6th - October 2nd, 1647’, Rushworth, *Historical Collections...* Volume 7, pp. 801-829

⁴¹ ‘Proceedings in Parliament, October 2nd - 30th, 1647’, *Ibid.*, pp. 830-858

⁴² ‘Proceedings in Parliament, October 2nd - 30th, 1647’, *Ibid.*, pp. 830-858; for the principles of faith necessary to participate in the Lord’s Supper, see: ‘October 1645: An Ordinance, together with Rules and Directions concerning Suspension from the Sacrament of the Lords Supper in cases of Ignorance and Scandall.’, *A&O.I.*, pp. 789-797

writing of the New Testament. On 14 and 15 October debate continued; on 16 October the Commons excluded use of the Prayer Book.⁴³

Debate over these ‘Sixteen Propositions’ continued into November; meanwhile, debate over settlement also ensued at Putney Church 28-29 October and 1 November in the general Army Council, prompted by agitation in army regiments and presentation of ‘The case of the armie truly stated’ to Fairfax on 15 October.⁴⁴ The focus at Putney was ‘An agreement of the people’ brought by army Agitators, and civilians John Wildman and Maximilian Petty (afterwards dubbed ‘Levellers’), as an alternative settlement.⁴⁵ The proposals within this ‘Agreement’ dealt with political and legal concerns, and of specific relevance here, liberty of conscience in religion.⁴⁶ Even more radically, it was argued this document should be nationally subscribed to by the people, who would thereby elect and empower their representatives to sit in Parliament; it reserved certain rights to the people so that theoretically liberties could not be removed under subsequent parliaments and any royal settlement. We will return to the significance of the Agreement below.

Before the revised Sixteen Propositions could be sent to Charles, news arrived 11 November of his escape from Hampton Court; the Lords received a letter from Charles, from the Isle of Wight, on 17 November. In an obvious response to terms being drawn up in Parliament, he states he could not sell Episcopal lands or abolish Episcopacy though he would limit the power of prelates. Furthermore he would accept establishing Presbyterianism for three years on condition that a debate about the form of government be held in the Assembly, to which he would appoint twenty additional divines, and following

⁴³ ‘Proceedings in Parliament, October 2nd - 30th, 1647’, Rushworth, *Historical Collections... Volume 7*, pp. 830-858

⁴⁴ Vernon, Elliot & Baker, Philip, ‘What was the First *Agreement* of the People?’, *The Historical Journal*, 53, 1, (2010), pp. 49-50

⁴⁵ Morrill, John & Baker, Philip, ‘The case of the army truly re-stated’, in Mendle, Michael, (ed.), *The Putney Debates of 1647: The Army, the Levellers and the English State*, (Cambridge: Cambridge University Press, 2001), p. 119; Vernon & Baker, ‘What was the First *Agreement* of the People?’, p. 39

⁴⁶ Vernon & Baker, ‘What was the First *Agreement* of the People?’, p. 40

that time (or sooner) Charles and both Houses would determine the form of church government. His other condition was that liberty to worship be granted to those like himself who could not conform to that government, but not to Papists, or public professors of atheism or blasphemy ‘contrary to the Doctrine of the Apostles’, Nicene and Athanasian Creeds’.⁴⁷ These creeds were those that the Propositions omitted; that their authoritative status (and challenges to it), continued to crop up highlights their importance to these debates over orthodoxy.

14 December 1647, the Sixteen Propositions were attached to the Four Bills (which further strengthened Parliamentary power) and sent to Charles, as terms of settlement. Of religion (Proposition 14), they required the king’s consent to legislation presented to him for settling the Presbyterian government and Directory as already set out by Parliamentary Ordinances. These would remain in force until the end of ‘the next Session of Parliament’. It also set out specific conditions for liberty of conscience: No peaceful person was to be ‘liable to any question or penalty’ for nonconformity to the established Presbyterian government, and could freely meet ‘for the service and worship of God’ and the ‘exercise of religious duties and ordinances’. However, all tithes and maintenance of any churches or chapels were to be used solely for those Ministers who conformed to the government, unless the present incumbent consented otherwise.

As discussed above, this provision for toleration would be withheld from a stipulated list of people and activities, including, Papist practise and penalties against ‘Popish recusants’; printing, publishing or preaching anything against the principles of ‘the Christian religion’, or anything ‘contrary to those points of faith’ necessary to partake of the Lord’s Supper; penalties for neglecting to hear the Word on the Lord’s Day – unless there was reasonable excuse or preaching was heard elsewhere by another non-sequestered

⁴⁷ ‘73. Letter of Charles I to the speaker of the House of Lords. [Received by the House of Lords, November 17, 1647.]’, in Gardiner, *The Constitutional Documents*, pp. 328-332

minister; and use of the Book of Common Prayer in any place. All non-sequestered ministers were to have liberty to preach ‘in any church or chapel, where they shall be desired by the inhabitants thereof’, providing they do not preach when the Parish minister usually does, ‘and shall receive such means and maintenance as doth, or shall, thereunto appertain.’⁴⁸

Charles rejected the Four Bills on 28 December 1647, having secretly signed ‘the Engagement’ on 26 December with the Scots, who had promised to send an army to restore him to the throne in exchange for Presbyterianism in England for three years, suppression of sects, and full union of the two kingdoms. Consequently on 17 January 1648 Parliament held a vote of no addresses to the king, which was passed on 11 February. However, it was the Independents’ seizure of power, which David Scott argues prompted the Engagement and the Second Civil War fought between March and August 1648.⁴⁹ Motions of appeasement suggest that Independent MPs were aware of growing disaffection. In response to criticism of Parliamentary proceedings, *An Accompt of Transactions Managed by the Lords and Commons Assembled in Parliament concerning the King, The priveledges of Parliament, the Liberties of the Subject, Reformation in Religion...*, was printed in February 1648. This publication defensively iterated a long list of successes and achievements in securing civil liberties, and further reformation, in order to deflect ‘impudent charges’ that Parliament takes ‘delight in warre, and would not have peace’. It

⁴⁸ [For the 1645 Rules and Directions, see: ‘October 1645: An Ordinance, together with Rules and Directions concerning Suspension from the Sacrament of the Lords Supper in cases of Ignorance and Scandall.’, *A&O.I.*, pp. 789-797; ‘14 October 1647’, *CJ V.5*; the Rules and Directions were also contained within: *The Form of Church Government to be used*, (1648), pp. 30-31]; ‘75. The Four Bills, with the Propositions accompanying them’, in Gardiner, *The Constitutional Documents*, pp. 335-347

⁴⁹ Scott, *Politics and War in the three Stuart kingdoms*, p. 162

further assured readers that ‘An Ordinance is drawing up by a Committee, for the punishing of Heresie and Blasphemy’ as proof of commitment to reform.⁵⁰

It seems that the May 1648 Ordinance against Heresy and Blasphemy, was passed largely as a result of the Engagement threat, and the strength of Royalist support in England. Independent grandees in Parliament recognised that the majority of people wanted the king reinstated, and peace at any cost. Upon the failure of their own overtures to the king, and in order to prevent a sell-out to Charles the Independents needed to keep the English Presbyterians onside, and countermand the Scottish justification for invasion which was that Independent MPs were against true religion and lawful government. Attaining this aim required making concessions to Presbyterianism, including stricter measures against heresy. It would also necessitate a reversal of the vote of no addresses; this was repealed August 1648 after Parliamentary victory at Preston, in order to commence negotiations at Newport (September – November).⁵¹

In April and May 1648 MPs began discussing peace settlements based on commitment to the Covenant and the amended Newcastle Propositions.⁵² Following earlier discussion, on 2 May, the same day the Heresy Ordinance was passed, MPs debated and resolved ‘That the Matter of the Propositions sent to the king at Hampton Court, by Consent of both Kingdoms, shall be the Ground of the Debate for the Settlement of the Peace of the Kingdom.’⁵³ On 6 May a declaration of this resolve was agreed, and was to be proceeded upon ‘for the speedy Settlement of the Peace of both Kingdoms’.⁵⁴ That MPs referred to the amended Newcastle Propositions rather than the Sixteen is indicated by

⁵⁰ Parliament, *An Accompt of Transactions Managed by the Lords and Commons Assembled in Parliament concerning the King, The priveledges of Parliament, the Liberties of the Subject, Reformation in Religion...*, (February 1648), pp. 9-10, 8

⁵¹ Scott, *Politics and War in the three Stuart kingdoms*, pp. 170-171

⁵² ‘28 April 1648’, *CJ V.5*; ‘2 May 1648’, *CJ V.5*; ‘6 May 1648’, *CJ V.5*

⁵³ ‘28 April 1648’, *CJ V.5*; ‘2 May 1648’, *CJ V.5*; these Hampton Court Propositions were submitted to Charles 7 September, see ‘8 September 1647’, *CJ V.5*

⁵⁴ ‘6 May 1648’, *CJ V.5*

chronology.⁵⁵ Charles was held at Hampton Court from 24 August until his escape in mid-November 1647; the Scots' Commissioners had concurred with the (slightly) amended Newcastle Propositions on 7 September, whereas although it had been decided 26 October to send the Sixteen Propositions to the Scots' Commissioners for their concurrence, this action was delayed.⁵⁶ A letter (dated 5 November) from the Scots' Commissioners read in the Commons, requested that the Propositions to be tendered to Charles 'be expedited and communicated to us, that ... there may still be a Conjunction of Councils in those things that are for the Common Peace, and Joint Interest of both Kingdoms.'⁵⁷

Therefore, the passing of the Heresy Ordinance was evidently part of the same initiative to attempt settlement along the lines of the Newcastle Propositions, which made no mention of liberty of conscience. This makes Vernon's suggestion that the Heresy Ordinance was considered part of the peace settlement negotiations plausible, as it would have placated both Scottish and English Presbyterians by narrowing down the looser definition of orthodoxy contained in the Sixteen Propositions.⁵⁸ The Heresy Ordinance, Coffey writes, finally satisfied the demands of the Presbyterian clergy. However, it was never enforced, as the Church was 'under the control of lay politicians and compatible with gathered congregations beyond the parish system... Following the New Model Army Coup of December 1648, even this "lame Erastian Presbytery" was dead in the water; power fell into the hands of the Independent party, and the cause of religious uniformity was doomed.'⁵⁹ Failure to enforce the Ordinance was also probably due in part to Parliamentary divisions and Scottish invasion.

⁵⁵ See also Scott, *Politics and War*, p. 171

⁵⁶ 'Proceedings in Parliament, October 2nd - 30th, 1647', Rushworth, *Historical Collections... Volume 7*, pp. 830-858

⁵⁷ It was signed: 'Lauden, Lauderdale, Charles Erskin, Kilkendy, Ro. Barkly. *Worcester-House, Nov. 5. 1647.*' 'Proceedings in Parliament, November 1st - December 4th, 1647', Rushworth, *Historical Collections... Volume 7*, pp. 858-922

⁵⁸ I am grateful to Ann Hughes' for relaying this suggestion made during conversation with Elliott Vernon.

⁵⁹ Coffey, 'The toleration controversy', p. 48

As the events of the summer of 1648 and the intention to settle with the king illustrate, Presbyterians had regained a position of power in Parliament. It was the overtures towards the king that prompted Pride's Purge of the Commons on 6 December, and Army occupation of London. Those 'well affected' or loyal to rule by Parliament, and thus mostly Independent in principle were now once again in the ascendency.⁶⁰ Power rested in the hands of Independents, supported by the Army who opposed settlement with Charles and to varying degrees argued for liberty of conscience. Following discussion places the 1650 Blasphemy Act in the context of this transition.

During the Putney Debates of October 1647, Cromwell and Ireton had been opposed to removing the power of the king and lords and their negative voice, hoping a settlement could be reached through the 'Heads of the Proposals', which would have curtailed his power for ten years in raising money and appointing officers of state, ensured biennial Parliamentary elections, and provided a broad toleration. If it were God's will, Cromwell had said, that king and Lords be destroyed he would provide a way 'when the thing may be done without sin, and without scandal' to his name and his people.⁶¹ By the time the Council of Officers sat in Whitehall, December 1648, discussing the second draft of the Agreement of the People much had changed.⁶² They had themselves come to reject the notion of settlement with the king, and talk turned to putting him on trial, though this was largely unsupported by MPs. It was necessary to secure an assurance of liberties before Parliament dissolved, to prevent a return to pre-civil war government.⁶³ The Whitehall Debates have long been recognized for their significance in the history of

⁶⁰ Scott, *Politics and War*, pp. 179, 188

⁶¹ Woodhouse, A. S. P., (ed.), *Puritanism and Liberty Being the Army Debates (1647-49) from the Clarke Manuscripts*, (London: J. M. Dent & Sons LTD, 1986), p. 106

⁶² This had replaced the general council of the army, see: Woodhouse, *Puritanism and Liberty*, 'Introduction', p. 31

⁶³ Taft, Barbara, 'From Reading to Whitehall: Henry Ireton's Journey' in Mendle, Michael, *The Putney Debates of 1647*, p. 193

discussions about toleration, particularly within Puritanism.⁶⁴ Their import to this chapter is predominantly the extensive dialogue about the power of the magistrate. It was John Lilburne's proposal to have another 'Agreement of the people' drafted by a sixteen-man committee, elected from the City Independents; the Council of Officers; loyal MPs; and Levellers; it is this which was the main focus of debate at Whitehall.⁶⁵

Barbara Taft identifies four Levellers attending on 14/and or 18 December – Lilburne, Overton, Walwyn and Wildman. 160 men were recorded as speakers, and 36 civilians were present.⁶⁶ Key participant speakers included: Richard Deane, John Goodwin, John Wildman, John[?] Hewson, John Lilburne, Henry Ireton, Joshua Sprigge, Sir Hardress[?] Waller, Thomas Harrison, Parker, Philip Nye, and William Erbury.⁶⁷ The debates brought together a varied group of participants, including army officers, Independents, ministers and Levellers in an attempt to find consensus over the constitutional settlement that would best serve the interests of the godly, and preserve the civil liberties of the people. All of the participants were supporters of Congregationalism and/or more radical separatism (Presbyterian invitees having refused to attend).⁶⁸

Twelve meetings are recorded between 14 December and 15 January, although only two have relatively full minutes of the debates.⁶⁹ Whereas the franchise had been the main source of contention at Putney, religious freedom preoccupies the surviving minutes of the Officers' Council at Whitehall. The significance of the Whitehall Debates to a study of the Blasphemy Act lies primarily in the discussions of what was called the 'First Reserve' of article VII of the draft Agreement; this rejected the compulsion and restriction of

⁶⁴ Polizzotto, Carolyn, 'Liberty of Conscience and the Whitehall Debates of 1648-9', *Journal of Ecclesiastical History*, Vol. XXVI, No. 1, January, (1975), p. 69

⁶⁵ Gentles, Ian, 'The *Agreements of the people* and their political contexts, 1647-1649', in Mendle, Michael, (ed.), *The Putney Debates of 1647*, (Cambridge: Cambridge University Press, 2001), pp. 157-158

⁶⁶ Taft, 'From Reading to Whitehall: Henry Ireton's journey', pp. 189-190

⁶⁷ Woodhouse, *Puritanism and Liberty*, pp. 125-178

⁶⁸ Polizzotto, 'Liberty of Conscience and the Whitehall Debates of 1648-9', p. 75

⁶⁹ Taft, 'From Reading to Whitehall', p. 190

individuals in matters of religion, which, alongside other civil liberties was ‘reserved’ from the power of the people’s representatives in Parliament. The Second Agreement allowed the Representative to direct the public profession providing it was not compulsory or Popish.⁷⁰ The final ‘Officers Agreement’, however, modified the reserve on religion (see below).⁷¹ Of further interest are two appendices, added for the future consideration of Parliament, concerning further civil, religious and economic freedoms, including: the law to be in English; freedom of trade, home and abroad; abolition of the excise tax and tithes; debtors not to be imprisoned; capital punishment to be inflicted only for murder and forcible attempts to destroy the Agreement; religious opinion to be irrelevant for appointment to public office.⁷² The ‘Officers Agreement’ was submitted to the Commons 20 January 1649 to be ratified, where it was quietly brushed under the carpet.

One of the questions this chapter seeks to address is the extent to which the views expressed during the Whitehall discussions and in the printed Agreements influenced the Rump’s religious policy. Carolyn Polizzotto provides a useful overview of the main issue under debate; which was broadly speaking to determine what authority, if any, magistrates had in matters of religion in cases where there was no breach of the peace.⁷³ Just as it was agreed that the conscience was subject only to God, at Whitehall it was generally agreed that magistrates did not have a compulsive power to enforce conformity in religion, and the debate turned upon whether, or to what extent, magistrates had a power to restrain false religion.⁷⁴ Authority to decide the issue was drawn solely from Scripture.⁷⁵ Polizzotto argues that as controversy about liberty had intensified from 1644, and had raised specific issues which were later debated at Whitehall, the Debates should be interpreted in the light

⁷⁰ Gentles, ‘*The Agreements of the people and their political context, 1647-1649*’, pp. 162-163

⁷¹ *Ibid.*, pp. 165-166

⁷² *Ibid.*, p. 163

⁷³ Polizzotto, ‘*Liberty of Conscience and the Whitehall Debates of 1648-9*’, pp. 71-72

⁷⁴ *Ibid.*, pp. 78-79

⁷⁵ *Ibid.*, pp. 73, 79-80

of the broader controversy.⁷⁶ Polizzotto points to the anonymous *The Ancient bounds*, 1645, as being an earlier identification of religious offenders as those who violate the First Table of the Ten Commandments, though, she claims that the ‘Whitehall Debates of 1648-9 were the first occasion on which participants in the liberty of conscience controversy agreed to define the religious offenders in question as transgressors of the First Table.’⁷⁷ The Ten Commandments were understood to be divided between the First Table, which included the four commands relating to God, and the Second, which set out six commands relating to inter-human relations. However, whilst the *The Ancient bounds* exempts from liberty those who disobeyed the First Table, and those opposing the fundamentals of faith, it is more concerned with the limits of magisterial power in matters of religion. As Sears McGee summarises, the author opposed civil punishment for disputable opinions as this hindered rather than helped people arrive at knowledge of the truth, which itself increased over time, and was aided by free discussion.⁷⁸ The work protested against force or compulsion in matters of religion, claiming that Christ ‘will have none of’ human wisdom, or the magistrate’s sword in preaching the Gospel, for these cannot ‘cut the way’ for truth: ‘*Not by might, nor by power, but by my Spirit, saith the Lord*’.⁷⁹ The common fear was articulated, that if a sword were placed in the magistrate’s hands ‘to keepe downe errors’, when a magistracy arises ‘that knows not the truth...errors *walke on every side*... not by permission, but by commandement, and you shall be forced to them, and so whipt with your own Rod.’⁸⁰ However, it was also argued that magistrates do have a duty to ‘declare

⁷⁶ Ibid., p. 70

⁷⁷ Ibid., p. 72; this is perhaps indeed a novel distinction, given that both tables were generally taken to be given equal authority, together composing the moral law; Herbert Palmer preached against appeals for liberty in matters of the First Table on the grounds that the conscience is bound as much for the one table as the other, (see chapter four), Palmer, *The glasse of Gods providence ... Aug. 13, 1644*, pp. 55-58

⁷⁸ McGee, ‘Francis Rous and “Scabby or Itchy Children”’, pp. 401–422, 404-405; McGee argues that Francis Rous wrote *The Ancient Bounds*, assisted by Joshua Sprigge, pp. 408-417, 417-422

⁷⁹ Anonymous, *The ancient Bounds, or Liberty of Conscience, tenderly stated, modestly asserted, and mildly vindicated*, (1645), p. 41; quotation from Zechariah 4:6

⁸⁰ Ibid., p. 24

against errors, as well as the Minister, to convince and exhort against them', through means mostly of persuasion and example.⁸¹ However, in the case of evil deeds, the magistrate's charge extended beyond enforcing the Second Table, into 'the vault even of these abominations of the *first Table*...so far as *Nature* carries the candle before him'. When exposed these should be 'restrained' and 'exploded by the Christian Magistrate.' Polythesism and atheism violated the first command; idolatry the second; blasphemy the third; and profanation of the Sabbath the fourth. In terms that re-appeared at Whitehall, the magistrate was argued 'not to require the *Positive* so much, as to restrain the *Negative*; and all this *Nature* teaches hitherto.' Only '*manifest impiety and prophanesse*' were excluded from liberty.⁸² As noted above, the wording of the final 1648 Ordinance had also (though implicitly) suggested greater emphasis on combating the negative.

One participant at Whitehall, Clarke, argued contentiously that 'all agree' the magistrate has no power in religion, 'and we have no power to give him, yet seeing he hath in all ages usurped it,' and lately under pretence of errors and blasphemies had persecuted many, they had 'great reason' to reserve this power whilst they could.⁸³ Responding to the suggestion that the magistrate had power over only the body and not the conscience, Richard Overton protested that 'if he hath power over my body, he hath power to keep me at home when I should go abroad to serve God.'⁸⁴ Thus restrictive power could still be abused to take liberty away from the godly. For Ireton, it was an issue of *who* held power, not the nature of the power itself, for 'civil agreements or contracts' or making commonwealths, were necessary 'for preserving peace'; otherwise, if every man were 'left to his own will', the 'contrary wills, lusts, and passions' would lead to the destruction of

⁸¹ *Ibid.*, pp. 3-4, 6

⁸² *Ibid.*, pp. 7-8

⁸³ 'Part II. The Whitehall Debates: General Council at Whitehall, 14th December 1648', in Woodhouse, *Puritanism and Liberty*, pp. 141-142

⁸⁴ 'Part II. The Whitehall Debates: General Council at Whitehall, 14th December 1648', p. 139

all, as each sought ‘ways of fencing himself against the jealousies of another.’⁸⁵ Therefore in godly hands, such power could be wielded for common good, reformation and God’s honour. For Overton however, this was the saints’ chance to procure freedom now, and for the future: ‘Now God hath by your means trodden upon that power which should [otherwise] have trodden upon us. [Let us agree] to prevent any [new] authority from coming upon us. If you never agree in your judgments, it’s no matter, [if you] keep but authority from beating of us and killing of us, and the like’. Concerning the magistrates’ power hereafter, ‘If you your own selves cannot help us [to freedom] in matters of opinion, we do not look for it while we breathe’.⁸⁶

In the disagreement between Ireton and Joshua Sprigge, was the heart of contention amongst magisterial Independents and those arguing for a greater distinction between civil and religious authority. Ireton demanded how, without a restrictive power, would false religion professing Christianity, or atheism, irreligion and immorality be opposed? Sprigge returned that God’s Spirit working in people’s hearts was the only way to prevent heresies, and to give magistrates who had no right to it a power in religion, was to demonstrate a lack of faith that God would defend his truth.⁸⁷ Attempts to define what should be restricted, led Gilbert to argue that the First Table were commands in the negative (thus restrictive), which related to the moral and natural law and continued ‘a rule to this day’.⁸⁸ Ireton argued that though the First Table included sins that were against only God, magistrates had a power and duty to restrain them as these were ‘things against which there is a testimony in the light of nature’ to all but perverted men.⁸⁹

It was the more radical participants at Whitehall, such as Sprigge and John Goodwin, who countered those arguments that appealed to orthodox logic. Interestingly,

⁸⁵ Ibid., p. 130

⁸⁶ Ibid., pp. 139-140

⁸⁷ Ibid., pp. 143-145

⁸⁸ Ibid., pp. 152-153

⁸⁹ Ibid., pp. 154-155

Goodwin objected to grounding the legitimacy for civil punishment for infractions of the moral law, upon its transparency in the light of nature. For, although ‘men are capable by the light of nature to conceive that there is a God’, it was beyond their furthest reaches ‘to conceive this in a right and true manner’.⁹⁰ Laws based on the light of nature should be known ‘without enquiry, without meditation’.⁹¹ Wildman concurred that it was difficult to determine what sin was by the light of nature alone.⁹²

Both Ireton and Nye appealed to the example of the Old Testament as the model for magistrates to follow.⁹³ Ireton reasoned that Christ gave no rule either positive or negative for magistracy or monarchy as he did not come to erect worldly kingdoms. Therefore, when considering ‘whether the magistrate have anything to do in anything which men will *call* religion (for you must go so large), you must not confine it [to the inquiry] whether Jesus Christ have under the Gospel given it, but you must look to the whole scripture.’⁹⁴ Hence his appeal to the example of Old Testament magistrates, who until Christ’s coming ‘in the flesh’ had restrained ‘such things’, being ordered to do so, and commended when they did it and rebuked when they did not.⁹⁵ Goodwin and Wildman dissented however, arguing that the Old Testament magistracy was ‘appointed, instituted and directed’ by God himself where under the Gospel it was chosen and empowered by men; Canaan was understood to be ‘a type of perfect holiness and of the Kingdom of Heaven’, whereas lands under the Gospel were not.⁹⁶ In other words, rather than being an archetype for Christian magistrates to emulate, Israel was intended to be a spiritual representation of Heaven and the Church where perfection was thus necessary in a unique way.

⁹⁰ Ibid., p. 157

⁹¹ Ibid., p. 157

⁹² Ibid., p. 161

⁹³ Ibid., pp. 155-156, 159

⁹⁴ Ibid., pp. 145-146

⁹⁵ Ibid., p. 155

⁹⁶ Ibid., p. 157-158, 160; (see chapter four and Polizzotto, ‘Liberty of Conscience and the Whitehall Debates of 168-9’, p.74 for the significance of appeals to the Old Testament.)

Como discusses in detail long-standing tensions within the Christian tradition over interpreting apparent contradictions in the Apostle Paul's teaching, which emphasised both a form of freedom from the Mosaic Law, and the necessity of avoiding sins of the flesh. The Early Church solution to this dilemma was the division of the Mosaic Law into Moral, Judicial and Ceremonial, thereafter the dominant understanding became that only the Moral Law, which included the Decalogue, 'remained in force after the coming of Christ'. This solution however remained open to challenges.⁹⁷ Thomas Collier pointedly gave examples of New Testament annulment of Old Testament laws condemning idolaters and adulterers to death, asserting that 'if we look to the Judicial Law we must be exact as to every particular of it. [But] we shall find that this law was done away'.⁹⁸ Goodwin also argued that though what was punished as being evil under Judicial law is evil still, God had ordained new punishments for them: 'If he that blasphemeth is to be cast out to Satan that he may learn not to blaspheme, it is impossible that this commandment of God should be put in execution if a blasphemer should be put to death.'⁹⁹

The influence of the Whitehall debates over punishments meted out for sins of the First Table is evident in the later legislation of 1650. The magistrate's power in religion, and what limitations should be placed on it was, and remained, highly contentious. On 21 December 1648, Ireton was defeated '27:17, on the proposal to give the representative final judgement in "morall" as well as in "civil" matters, although he carried a majority opposed to including religion among the reserved rights, 37:12. The second vote enabled him to influence a compromise in the committee that drew up a new article on religion'.¹⁰⁰ These votes highlight a strong opposition to allowing magistrates too much power over

⁹⁷ Como, *Blown by the Spirit*, pp. 104-112. Como discusses the Law in the context of the earlier seventeenth century Antinomian controversy, however the thinking process relates also to mid-century debates over magisterial power.

⁹⁸ 'Part II. The Whitehall Debates: General Council at Whitehall, 14th December 1648', pp. 164-165

⁹⁹ *Ibid.*, p. 166

¹⁰⁰ Taft, 'From Reading to Whitehall', pp. 191-192

religious matters, but an even stronger insistence that they should not be denied any power at all as more radical Congregationalists argued. The drafted clause of 11 December had read:

We do not empower our Representatives to continue in force, or make, any laws, oaths, covenants, whereby to compel by penalties or otherwise any person to anything in or about matters of faith, religion, or God's worship, or to restrain any person from the professing his faith, or exercise of religion according to his conscience in any house or place (except such as are, or shall be, set apart for the public worship); nevertheless the instruction or directing of the nation in a public way for the matters of faith, worship, or discipline (so it be not compulsive or express popery) is referred to their discretion.¹⁰¹

This suggested reserve was clearly too broad for the army Officers, as the lengthened 'reserve' included in the amended Officers' Agreement, submitted to Parliament on 20 January for approval, demonstrates:¹⁰²

Concerning Religion, we agree as followeth.

1. It is intended, That Christian Religion be held forth and recommended, as the publike profession in this Nation (which wee desire may by the grace of God be reformed to the greatest purity in Doctrine, Worship and Discipline, according to the Word of God.) The instructing of the people whereunto in a publick way (so it be not compulsive) as also the maintaining of able Teachers for that end, and for

¹⁰¹ 'THE SECOND AGREEMENT OF THE PEOPLE', (1648) From Lilburne, John, *Foundations of Freedom*, in Woodhouse, *Puritanism and Liberty*, pp. 361-362

¹⁰² Taft, 'From Reading to Whitehall', pp. 191-192

the confutation of discovery of Heresie, Errour, and whatsoever is contrary to sound Doctrine, is allowed to be provided for by our representatives; the maintenance of which may be out of a publick Treasury, and wee desire not by Tithes, Provided, That Popery or Prelacy be not held forth as the Publick way or profession in this Nation.

2. That to the publick profession so held forth, none be compelled by penalties or otherwise; but onely may be endeavoured to be won by sound Doctrine, and the example of a good Conversation.
3. That such as professe Faith in God by Jesus Christ, (however differing in judgement from the Doctrine, Worship or Discipline publicly held forth, as aforesaid) shall not be restrained from, but shall be protected in the profession of their Faith, and excersise of Religion according to their Consciences, in any place (except shall be set apart for the Publick Worship, where we provide not for them, unlesse they have leave) so as they abuse not this liberty to the civill injury of others, or to actuall disturbance of the publick peace on their parts, neverthelesse it is not intended to be hereby provided, That this Liberty shall necessarily extend to Popery or Prelacy.
4. That all Laws, Ordinances, Statutes, and clauses in any Law, Statute or Ordinance to the contrary of the Liberty herein, provided for in the two particulars next proceeding concerning Religion, be hereby repealed and made void.¹⁰³

The alterations refined a more specifically Christian liberty. However, whilst recommending the public profession to be Reformed in doctrine, worship, and discipline, the measure of this was stated to be only the Word of God, and not the Word and the

¹⁰³ Anon, *An agreement prepared for the people of England, And the places therewith Incorporated, For a secure and present PEACE, upon Grounds of Common Right Freedom and Safety*, (1649), pp. 24-25

example of the best Reformed churches urged by Presbyterians. Although rejecting compulsion to this profession, and offering freedom to all who peaceably professed 'Faith in God by Jesus Christ', it ambiguously denied intending to 'necessarily extend' liberty to Popery or Prelacy. Maintenance was also provided for the 'confutation' and 'discovery of Heresie, Errour, and whatsoever is contrary to sound Doctrine' (howsoever defined). This version, unlike that of 11 December, retained the implied power of the magistrate to restrain whatever fell outside of the designated boundaries for liberty. It was a popular Independent argument that the magistrate did not have a power to force acceptance of true religion (referred to as the positive), but that they possessed a necessary power to restrain or punish false religion (or the negative).

In attempting to explain why there was no appeal from Ireton and the officers when the Agreement was quietly dropped by Parliament, Taft suggests that this 'compromise Agreement was a viable constitution that was never strongly supported by those who assembled it or those to whom it was addressed. Parliament had no desire to govern constrained by a constitution that decreed biennial elections by an expanded electorate. Nor was the collective body of individuals that Levellers termed "the people" sufficiently united to assume the responsibility of ultimate sovereignty.'¹⁰⁴ However, in the absence of the widespread popular support necessary to effectively legitimate an Agreement of the People, it seems dubious that it could have provided a 'viable' constitution, (particularly given resistance to imposed covenants), though it certainly embodied values shared by many of those involved in its debate at Whitehall.¹⁰⁵ The suggestion that the officers were humouring the soldiers and Levellers until the royal trial and execution were completed is likewise unconvincing given the importance of liberty of conscience to Congregationalists,

¹⁰⁴ Taft, 'From Reading to Whitehall', p. 192

¹⁰⁵ On covenants see Ireton's comment, 'Whitehall, 13th January 1649 General Council', in Woodhouse, *Puritanism and Liberty*, p. 171

and the energy expended debating the Agreement.¹⁰⁶ The Agreement was however opposed by some of the godly, one laywoman even bringing a prophecy before the officers on 29 December and 5 January, that for the Army to relinquish power would be to fail the trust given to them.¹⁰⁷ Erbury and Joyce argued the Army was intended to be used as an instrument for God to remove oppression and corruption. Joyce believed ‘the Spirit is now [about] to break forth’, were some not more concerned with pleasing men.¹⁰⁸

Such views illustrate the differences between more radical officers and magisterial Independents. As Ireton had argued, if the ‘power of monarchy’ was ever destroyed on earth it would be by God’s power, making ‘such forms needless’. Until then, ‘there will be some power exercised [by magistrates], either by a voluntary dispensation of the power from the people, or by the sword,’ therefore in the meantime, ‘all the effect of this Agreement is no more but as restrictions upon that power’.¹⁰⁹ He goes on to add that God cannot be limited to working one way or another, but, ‘certainly if we take the most probable way according to the light we have, God gives those things [their success].’ The Agreement is a ‘probable way’ to clear the controversies about power, and bring settlement, if ‘it please God’ that it should be ‘received in the kingdom’. But, Ireton conceded, ‘whether God will bring it to pass that or the other way, is a secret in his will, and is further than what is revealed to me; let him [to whom it has been revealed] speak it.’¹¹⁰ Although one way to provide protection for the godly, the Agreement is not the only

¹⁰⁶ A list of historians who argue for the officers’ disinterest in the Agreement, [as cited in Gentles, ‘The Agreements of the people and their political contexts, 1647-1649’, p. 167]: Gardiner, S. R, *History of the great civil war, IV*, (4 vols., London, 1894), pp. 295-6; Underdown, David, *Pride’s Purge*, (Oxford: 1971), p. 199-200; Worden, Blair, *The Rump Parliament 1648-1653*, (Cambridge: 1974), p. 76; Brailsford, H. N, *The Levellers and the English Revolution*, (Nottingham: 1976), pp. 390-1; Manning, Brian, *1649: the crisis of the English revolution*, (London: 1992), p. 177

¹⁰⁷ Taft argues that Ireton was moved by Elizabeth Pool’s message. Taft, Barbara, ‘The Council of Officers’ Agreement of the People, 1648/9’, *The Historical Journal*, 28:1, (1985), p. 182; ‘Summary of the Debates on the Agreement, in the Council of Officers, 16th December-6th January; and of the Examination of Elizabeth Poole on 29th December and 5th January’, in Woodhouse, *Puritanism and Liberty*, p. 470

¹⁰⁸ ‘Whitehall, 13th January 1649 General Council’, in Woodhouse, *Puritanism and Liberty*, pp. 174, 175-176

¹⁰⁹ *Ibid.*, p. 172

¹¹⁰ *Ibid.*, p. 174

way in Ireton's mind to achieve this end. Harrison expected the Agreement to fail their expectations as God would have them know that peace came from Him and not from men, yet he argued that God would have them vindicate their proceedings through presenting the Agreement so that the nation and the world would know they laboured for all men and not for their own interests.¹¹¹

Although the Agreement was never implemented, the extent to which members of Parliament concurred with its first reserve can perhaps be deduced from their subsequent attitude to religious dissidents. Ireton's view, and that of Gilbert and Nye, was that compulsion was unlawful but restriction necessary. Ireton was convinced that no conscientious man would say a magistrate should restrain any 'from that which Jesus Christ does teach him', but men 'have consciences' to 'own and practise under pretence of religion' many things that ought to be restrained. Objections to this religious clause arise because 'you cannot so provide for such a reserve as this is for men really conscientious, that they shall not be persecuted, but you will by that debar the magistrate of a power that he ought to have to restrain.'¹¹² This, in essence was to be the point of conflict in the Rump in matters of religion.

That what Parliament offered fell short of the expectations of its more radical supporters is evident in the reaction of the Levellers, who were the most committed to the principle terms of the Agreement. New rules restricting petitioning in the army and the punishment and cashiering of five soldiers 6 March 1649, prompted an indignant Leveller

¹¹¹ *Ibid.*, p. 178;

This same reason is echoed in: Army Council, *The humble petition of his excellency Thomas Lord Fairfax and the General Council of Officers for the Army under his Command, To the Honorable, The Commons of England in Parliament, assembled*, (22 January 1648/9), stating that, 'whether it [the Agreement] shall be fully approved by you, and received by the people (as it now stands) or not, It may yet remain up on Record before you, a perpetual witness of our real intentions and utmost endeavours for a sound and equal Settlement, and as a Testimony whereby all men may be assured, what we are willing and ready to acquiesce in, and their jealousies satisfied, or mouthes stopt, who are apt to think or say we have no Bottom.', p. 6

¹¹² 'Part II. The Whitehall Debates: General Council at Whitehall, 14th December 1648', p. 144

response. Richard Overton's *The Hunting of the Foxes* (smuggled out from the Tower), eloquently expostulates: '...O Cromwell, O Ireton, how hath a little time and success changed the honest shape of so many officers!', no men pretended 'an higher degree of holiness, religion, and zeal to God and their country'; Cromwell will 'lay his hand on his breast, elevate his eyes, and call God to record, he will weep, howl and repent, even while he doth smite you under the first rib...' The officers had betrayed Parliament's cause and enslaved the people, the general council of the army having imbibed the 'venom of all former corrupt courts'.¹¹³ Although a third and final Leveller version of The Agreement was printed whilst Lilburne and others were imprisoned in May 1649, discussions of the Agreement in Parliament were not resumed. The suppression of the last Leveller insurrections in early September 1649 silenced the only significantly threatening campaigners for a more radical form of civil government, empowered by and accountable to the people, inalienable civil rights, and religious liberty.

Presumably in response to the Leveller threat and Royalist disaffection, on 20 September 1649, Parliament passed 'An Act against Unlicensed and Scandalous Books and Pamphlets, and for better regulating of Printing', which penalised any person contributing in any way to the propagation of 'any Scandalous or Libellous Books, Pamphlets, Papers or Pictures'. (This act was however given an expiry date of 29 September 1651.)¹¹⁴ Upon abolishing the Lords and monarchy and proclaiming England a commonwealth, (March, April 1649), the Rump did not enshrine religious liberties for the godly in legislation. However, on 22 March 1649 the Commons had printed a Parliamentary declaration 'Expressing the Grounds of their late Proceedings'. This declared their intention to uphold existing laws with some alterations, in order to advance the true Protestant religion;

¹¹³ Overton, Richard, *The Hunting of the Foxes*, (March 1649), quoted in Lindley, Keith, (ed.), *The English Civil War and Revolution A Sourcebook*, (London: Routledge, 1998), pp. 172-173

¹¹⁴ 'September 1649: An Act against Unlicensed and Scandalous Books and Pamphlets, and for better regulating of Printing.', *A&O.I.*, pp. 245-254

maintain godly ministers; ‘procure a just *Liberty* for the *Consciencs, persons, and Estates*, of all men conformable to *Gods glory*, and their own *peace*’; eliminate all grievances and oppressions of the people; and ‘establish *Peace* and *Righteousness* in the Land.’¹¹⁵ This vague statement was probably intended to buy Parliament some time, and placate various factions lobbying for incompatible settlements.

Even the partial reserve in religion provoked anxiety and outrage over the broad ‘toleration’ it promised; one (Royalist and Presbyterian) pamphlet ‘published’ by ministers of Lancaster in March 1649, exclaimed angrily that it presented ‘a Christian Religion without Church, Ministry, Sacrament or Discipline’. Confutation and discovery of heresy was discussed ‘but no Church Censures, or Authority placed in any to purge them out of the Church’. It goes on to liken the ‘wide latitude’ given to what may be called the public profession unto the ‘mixture in the cup in the hand of the Whore of *Babylon*’, and queried how men would be won to Christianity ‘by sound doctrine, and good conversation, when no provision is made to bring, or keep doctrine to be sound, and conversation to be religious.’ After a lengthy criticism of the provisions of the Agreement, the paper warned ‘we are now made very slaves unto the worst of Heathen, a people without God, without Faith, without Law, without Rule, without Reason, without Humanity... These calamities are all fallen upon us, because *The Breath* of our *Nostrils*, & c. pious king *Charles* is taken from us...’¹¹⁶ Religious liberty, or ‘toleration’, as the Whitehall and printed debates and protests demonstrate, remained a highly contentious principle.

Conversely, calls for liberty were made in the Commons on 29 June 1649 and for the repealing of acts punishing non-attendance of religious, peaceable people at their parish

¹¹⁵ House of Commons, *A Declaration of the Parliament of England Expressing the Grounds of their late Proceedings*, (London, March 1649)

¹¹⁶ Heyrick, Richard, *The Paper called The Agreement of the People taken into consideration, and the lawfulness of Subscription to it examined, and resolved in the negative, by the Ministers of Lancaster*, (London: 1649 [Thomason date: ? March], pp. 15-17, 32

church.¹¹⁷ On 13 September 1649 ‘An Act for Relief of tender Consciences against the penalties of several Statutes’ was read twice, however this act was not passed until a year later. In response to pressure to provide liberty, Leveller criticism, and a petition of 16 August 1649 from the Council of Officers that Catholics be excluded from liberty, in September 1649 Parliament felt the need to publish another declaration, ‘in vindication of their proceedings’. As ‘humble instruments of God’, Parliament had from the beginning of engaging in this ‘Great Work’ held ‘Religion in its Purity and Publique Liberty’ as their goal, and these are ‘still our desires and endeavours’. Had we ‘cast up the Helm, the visible means of carrying on the work had failed, and sunk down in certain Disorder and Confusion.’ Hence, Parliament had not been dissolved, for the concern at Whitehall to establish permanent change before power changed hands still remained (this reluctance to dissolve and thus risk the election of future MPs opposed to their values, was possibly a factor in not resuming consideration of the Agreement). The present Parliament considered themselves under obligation to remove ‘all obstructions and hinderances to the growth of Religion, and the power of Holiness in the midst of us’, and were therefore considering how to dismantle acts and ordinances used for ‘snares, Burthens and vexations to the truly sincere hearted people of God’. It followed this with the reassurance that despite accusations of ‘setting up and countenancing an *Universal Toleration*’, their true aim was only to give necessary encouragement to those that love God and pure religion. Therefore, if liberty were found to be abused, they would testify ‘displeasure, and abhorrency thereof by a strict, and effectual proceeding against such offenders.’ (It is this declaration that is referred to in the 1650 ‘Blasphemy Act’, which itself detailed only a limited number of opinions that were considered beyond the pale.) Thereon, it denounced the Levellers, accusing some of defecting from their profession of religion and godliness, of entertaining

¹¹⁷ ‘29 June 1649’, *CJ V.6*

‘principles of Atheism and licentiousness’ disguised under the cloak of liberty, and of Royalist plotting. Whilst the Levellers claimed that Parliament and Army oppressed the people, it was the counsels and authority of Parliament and the faithfulness of the Army that God had used to bring liberty.¹¹⁸ It appears evident therefore, that alongside an intention to provide some form of liberty for the saints, there was also an impulse to restrict those religious practises contrary to the negative commands of the First Table (as Ireton and Gilbert had promoted).

This provides evidence of continuing zeal for moral reformation in the Interregnum; to an extent then, there was continuity in the striving for a holy community, as an ideal shared with their Presbyterian brethren.¹¹⁹ It could be argued that the parallel goes further than that. In order to assess the influence of earlier 1640s thinking on Interregnum legislation, this section will refer back to Presbyterian religious legislation. Coffey has pointed out that the ‘mainstream puritan position’ on Christian liberty, and the magistrate’s power in religion ‘was codified in the 1647 Westminster Confession of Faith’; he also highlights the Larger Catechism’s condemnation of tolerating false religions as a violation of the second commandment against idolatry.¹²⁰ Whilst the connection between the Westminster Confession and Catechisms and the 1648 Heresy Ordinance appears quite clear, their significance to the Rump legislation is not mentioned.¹²¹ Yet it seems that the parts of the Confession and Larger Catechism related to the First Table of the Ten

¹¹⁸ *A declaration of the Parliament of England, in vindication of their proceedings...*, (London: September 1649), pp. 6-8, 12-13, 21-25

¹¹⁹ For example see an earlier exhortation for personal reformation: Chapman, *The Scottish dove*, ‘Numb. 113’, (10-17 December, 1645), p. 892; for a recent study of attempted Puritan reform and opposition to it during the Interregnum, see: Capp, Bernard, *England’s Culture Wars: Puritan Reformation and its Enemies in the Interregnum, 1649-1660*, (Oxford: Oxford University Press, 2012)

¹²⁰ Coffey, ‘The toleration controversy’, p. 48

¹²¹ Parliamentary debate over Christian Liberty and Liberty of Conscience was postponed in February 1648 in order to be considered alongside Chapter 30 of the Confession ‘concerning Church Censures’, see, ‘4 February 1648’, *CJ V.5*. The Ordinance was passed in May, and the Confession and Larger Catechism printed in June and July 1648; in the Lords on 29 June 1648 the Provincial Assembly of London petitioned for the Directory, Confession of Faith, Catechisms, and better discipline to be established to prevent heresy, blasphemy and atheism, see ‘29 June 1648’, *LJ V.10*

Commandments (the moral law), error, the power of magistrates, and the Presbyterian stance on these issues reverberate to an extent through some of the arguments at Whitehall, and certainly throughout the religious/moral legislation passed by the Rump.

The Presbyterian Larger Catechism (finally passed 24 July 1648), gave detailed instructions regarding observance of the moral law.¹²² Of the Decalogue, it was understood that each, according to their place, was bound to ‘endeavour’ the performance or avoidance of these sins by others as well themselves.¹²³ It expanded extensively on the short commands contained in the First Table inferring a litany of sins. The First Commandment, ‘Thou shalt have no other Gods before me’, thus included: ‘atheism, in denying or not having a God’; idolatry; holding wicked opinions of God; boldly searching divine secrets; hating God; heresy; tempting God; corrupt, blind zeal; lukewarmness; apostasy; worshipping other creatures; compacting/consulting with the devil; lording over faith/conscience.¹²⁴ The Second Commandment, ‘Thou shalt not make unto thee any graven image... Thou shalt not bow down thyself to them, nor serve them’, meant: preserving Scriptural purity of worship and ordinances, particularly prayer and thanksgiving; learning and preaching the Word; the Sacraments; church government and discipline; the ministry; fasting; vows to God; and, opposing all false worship and idolatry.¹²⁵ The Third Commandment, ‘Thou shalt not take the name of the LORD thy God in vain’, included: abusing his name in ignorance, or for any reason, or perjuring his ‘titles, attributes, ordinances, or works’; sinful cursing, oaths etc.; violating lawful oaths; fulfilling unlawful oaths; quarrelling over, prying into, or misapplying divine decrees; ‘perverting the word’ for jest, unprofitable questions, or maintaining false doctrines.¹²⁶ Finally, the

¹²² ‘24 July 1648’, *CJ V.5*

¹²³ ‘Westminster Larger Catechism’, pp. 73- 153, in Westminster Assembly, *The confession of faith, and the larger and shorter catechisms*, (1649), pp. 105, 106-107

¹²⁴ *Ibid.*, pp. 108-110

¹²⁵ *Ibid.*, pp. 110-112

¹²⁶ *Ibid.*, Pp. 113-115

Fourth Commandment, 'Remember the sabbath day, to keep it holy', forbade: omitting or negligence of duties; profanity – e.g. idleness or sinfulness; all unnecessary worldly works, words and thoughts.¹²⁷ These were very broad definitions which covered a vast array of sins.

The continued zeal for reforming society is evident in the concern expressed to uphold these four commandments, (identified more briefly as atheism, idolatry, blasphemy and profanation of the Sabbath), demonstrated by opinions expressed at Whitehall, and in the legislation passed by the Rump in 1650 – which provided against all four. As would be expected, far narrower definitions of these four commandments were sought after than as set forth in the Presbyterian Catechism and Confession. Beginning with the Fourth Commandment, on 19 April 1650, Parliament passed 'An Act for the better Observation of the Lords-Day, Days of Thanksgiving and Humiliation', which penalised a list of activities, including the sale of goods; travelling; executing non-urgent writs; entering a tavern or tobacco-house. Justices were to diligently search for, apprehend and punish offenders under penalty of fines or time in the stocks for negligence.¹²⁸ It is notable that there was not the reluctance to promote the searching out of Sabbath profaners and penalisation of negligent Justices for this duty that there was for religious dissidents.

The First, Second, and Third commandments were all encompassed by the 9 August 'Act against several Atheistical, Blasphemous and Execrable Opinions, derogatory to the honor of God, and destructive to humane Society'. (See above for punishments under this Act.) Such opinions not only dishonoured God, but notoriously corrupted and disordered, even dissolved, 'all Humane Society' because they rejected Gospel ordinances, and the 'necessity of Civil and Moral Righteousness'. Offenders therefore contravened

¹²⁷ *Ibid.*, pp. 115-118

¹²⁸ 'April 1650: An Act for the better Observation of the Lords-Day, Days of Thanksgiving and Humiliation.', *A&O.I.*; printed as: Parliament, *An additional act for the better observation of the Lords-Day, days of humiliation and thanksgiving together with a collection of former laws, statutes and ordinances now in force for observation of the said days*, (London: April 1650)

maintenance of the civil peace, a condition necessary for liberty. Additionally, in pursuance of a holy commonwealth, acts were also passed against ‘the detestable sins of Incest, Adultery and Fornication’ (May 1650), adultery being punishable by death; and ‘for the better preventing of prophane Swearing and Cursing’ (June 1650), punishable by fines in proportion to one’s station.¹²⁹

The Confession of Faith was firm in its insistence on upholding the moral law, which was ‘a perfect rule of righteousness’ delivered to Moses by God on Mount Sinai, and ‘doth for ever bind all, as well justified persons as others, to the obedience thereof’.¹³⁰ Its statements about liberty, in contrast to more radical understandings, reinforced legitimate magisterial authority. The Confession’s view of Liberty of Conscience was that liberty was purchased for believers by Christ, bringing freedom from guilt, God’s wrath, ‘the curse of the moral law’, the evil world, Satan and damnation, and also, ‘free access to God’ and obedience out of love and a willing mind (20:1).¹³¹ Only God ruled over the conscience, leaving it free from human doctrines and commands that contradicted his Word, blind obedience to which betrayed true liberty and reason (20:2).¹³² Anyone practicing sin or cherishing lust ‘upon pretence of Christian liberty’ destroyed its purpose of enabling service to God ‘without fear’ and ‘in holiness’ (20:3).¹³³ Therefore opposition, under pretense of liberty, to lawful civil or ecclesiastical power was resistance to ‘the ordinance of God’. Anyone publishing opinions or practicing against ‘the light of nature’,

¹²⁹ ‘May 1650: An Act for suppressing the detestable sins of Incest, Adultery and Fornication.’ *A&O.I.*; printed as: Parliament, *An act for suppressing the detestable sins of incest, adultery and fornication*, (London: May 1650); ‘June 1650: An Act for the better preventing of prophane Swearing and Cursing.’, *A&O.I.*; printed as: Parliament, *An act for the better preventing and suppressing of prophane swearing and cursing*, (London: June 1650)

¹³⁰ 19:2, 19:5, ‘Westminster Confession of Faith’, in Westminster Assembly, *The confession of faith, and the larger and shorter catechisme*, (1649), pp. 67, 68 From: *The Westminster Assembly Project* [online]

¹³¹ ‘Westminster Confession of Faith’, pp. 71-72

¹³² *Ibid.*, pp. 73-74

¹³³ *Ibid.*, p. 74

the ‘known principles of Christianity’ or peace in the Church were subject to both ecclesiastical and civil censures. (20:4).¹³⁴

When one compares these statements of doctrine to the debates at Whitehall, the influence of such thinking with regards to the continuing authority of the moral law, natural light, and true Christian liberty becomes apparent in the arguments promoting magisterial restraint. Ireton held that ‘The question is now: Whether you shall make such a provision for men that are conscientious, [in order] that they may serve God according to their light and conscience, as shall necessarily debar any kind of restraint on anything that any man will call religion?’¹³⁵ Or as Colonel Rich reiterated there was ‘general agreement that the civil magistrate should not have power to ‘persecute any honest man’ walking ‘according to his conscience in those things that are really religious, and not pretended so’. However, the opposition presented was ‘that we cannot find out any way to discriminate this from that exorbitant liberty’ which those only pretending to be religious would take.¹³⁶ As the final Officers Agreement shows a restrictive power was clearly conceded.

There was also a similarity between the Confession’s statements in Chapter 21 on Worship and the Sabbath, and the Rump’s commands in ‘An Act for the better Observation of the Lords-Day, Days of Thanksgiving and Humiliation’, and (though more superficially) the Act for ‘Repeal of several Clauses’ which directed that on these days all were required to practice a religious duty of prayer, preaching, or reading the Scriptures. Both underline the sanctity of the Lord’s Day, and the laying aside of ordinary work, activities and thoughts; although the Confession further exhorted psalm singing and ‘the due administration and worthy receiving of the sacraments’ as part of the ordinary worship of God.

¹³⁴ *Ibid.*, pp. 47-77

¹³⁵ ‘Part II. The Whitehall Debates: General Council at Whitehall, 14th December 1648’, p. 143

¹³⁶ *Ibid.*, p. 149

However, on the subject of civil power in matters of religion (23:3), the Confession upheld the magistrate's right to enforce orthodoxy. Though he could not administer the Word, sacraments, or assume the 'keys of the kingdom of heaven', he had the duty and authority to preserve unity, peace and truth in the Church; to suppress blasphemies and heresies; to prevent or reform corruption and abuse in worship/discipline; and to ensure due administration and observation of all ordinances. In this we see a greater discrepancy between attitudes in the Rump which granted only a restrictive power.

It is apparent that the Rump was influenced by the Presbyterian Confession and Catechism, not simply by their emphasis on godliness and upholding the moral law, but by the cognitive framework that insisted the Decalogue was binding on all people; restricted definitions of true liberty; and counted it the magistrate's duty to restrain outward expressions of heterodoxy. However, it is also equally evident that the Rump differed significantly in their vision for religious settlement, and was influenced in outlook far more by the Officers' Agreement (see below). Not only did they reject a compulsory national church, they limited the magistrate to a restrictive power in religious matters, and even then, in terms of the First Table, what they had authority to restrain was largely limited to the specific terms of the acts against Blasphemy and profaning the Sabbath. Whilst it is an obvious over-simplification, one means of comparison would be to say that Presbyterians expanded upon the offences of the First Table in order to encompass a vast array of errors and sins, whereas Independents sought to confine interpretation of these four commandments to a narrower and far more specific sense, which could not be employed against any of the godly.

Some have argued that in the religious and moral Acts passed by the Rump we see attempts to counter the accusations of licentiousness, immorality and error that were warned would accompany any form of 'toleration', and, a response to the Ranter threat.

However, is this all the impetus and reasoning that lay behind them? McDowell identifies ‘the appearance of pamphlets describing in salacious detail the blasphemous and licentious behaviour of the Ranters’, with ‘the efforts of the Rump Parliament to head off Presbyterian disaffection’ through ‘the so-called Blasphemy and Adultery Acts’.¹³⁷ J. F. McGregor argued that the ‘Blasphemy Act’ was a reaction to the publication of Laurence Clarkson’s *A Single Eye All Light*, and the reported ““meetings and practises of those commonly called Raunters””. According to McGregor, the Act’s lenience compared with the 1648 Ordinance is not an indication of Parliamentary indifference to the Ranters; ‘The 1648 legislation was no longer politically acceptable since it had not only made the blasphemies covered by the 1650 act capital offences but had prescribed indefinite imprisonment for all contumaciously denying predestinarian Presbyterianism.’ The 1650 Act he argued, ‘was more specifically directed at extreme enthusiasm and more consistent with Independent ideals of toleration’; its ‘nature and purpose are more evident when it is considered as part of a legislative program of moral reform, rather than the successor to the Heresy Ordinance of 1648.’¹³⁸ Ariel Hessayon additionally argues, that although the 1650 legislation – against incest, adultery and fornication (10 May), profane swearing and cursing (28 June), and blasphemy (9 August) – ‘can be seen as part of a wider programme designed to further the cause of godly reformation in doctrine and manners, it is also evident that the impetus for these measures came from a parliamentary majority’s desire to extinguish “the several abominable Practices of a Sect called Ranters”’.¹³⁹ To this idea we will return below.

In broad agreement with McGregor and Hessayon, this chapter proposes that the Blasphemy Act should be identified as being part of a vision for a godly commonwealth.

¹³⁷ McDowell, *The English Radical Imagination*, p. 25

¹³⁸ McGregor, J.F, in ‘Debate: Fear, Myth and Furore: Reappraising the “Ranters”’, *Past and Present*, Number 140, No.1, (1993), pp. 157-158

¹³⁹ Hessayon, Ariel, ‘Coppe, Abiezer (1619–1672?)’, *ODNB*

Furthermore, rather than interpreting these penalising and restrictive acts as concessions to the Presbyterians, when taken alongside other Rump legislation, the values and convictions they embodied were actually partly shared by magisterial Independents in Parliament, who supported both a limited religious liberty *and* further reform. We see this through parallels of thought with the Westminster Confession and Catechism illustrated above, and, in the legislative response of the Rump to concerns for civil and religious reform, raised in the several Agreements, and the attachment to the 1648 Agreement.

Concerns dealt with included: army arrears, provision for the poor, and having legal books and court proceedings in English. On 24 February 1652, in order to promote peace a general pardon and oblivion was granted, which acquitted and discharged persons of all felonies, offences and penalties committed before 3 September 1651; though a long list of offences were ‘excepted’ from this offer. It has been suggested that this Act led to the release of people imprisoned for heresy, like John Biddle.¹⁴⁰ As discussed above, acts were passed reinforcing the moral law of the First Table, and against incest, adultery and fornication, and swearing and cursing. Other religious acts were also passed that reflect Independent priorities: on 23 April 1649, legislation ordering monthly fasts was repealed (perhaps a testament to their unpopularity, as well as to anti-formalism), 8 June 1649, maintenance was provided for preaching ministers, and 27 September 1650, legislation compelling attendance at the parish church was repealed. In identifying the Blasphemy Act as an integrated part of an attempt to create a godly and just commonwealth, it could thus be argued that the Rump’s intention to provide against blasphemous expression pre-dated the Ranter controversy, but that the appearance of ‘Ranter’ tenets and provocative behaviour provided a focus and an urgency for a speedy provision against irreligious or unchristian heterodoxy.

¹⁴⁰ ‘February 1652: An Act of General Pardon and Oblivion.’, *A&O.I.*, pp. 565-577; Snobelen, Stephen, D., ‘Biddle, John (1615/16–1662)’, *ODNB*

We will continue by assessing the significance of publicised blasphemous or profane behaviour, particularly by those identified as Ranters, to attempts to provide against radical expressions of heterodoxy in 1650. These attempts culminated in the Blasphemy Act. When considering the Parliamentary debates and calls for a restriction of licentiousness and irreligion after the establishment of the Commonwealth, it is important to remember that these took place within the context of wider anxiety over the consequences of allowing a plurality of Christian practice. It was believed by many that such diversity would result in atheism, which was included as an offence in the Blasphemy Act. Michael Hunter has demonstrated that ‘atheism’ was a charge that covered a variety of meanings, being used to delineate general godlessness, as well as specific forms of belief and practise considered common traits of atheism – such as denying the immortality of the soul, which was ‘thought to lead to a dismissal of the Last Judgement as “ridiculous and fabulous”, and to the belief “that virtue, innocence, and craftie dealing be alike rewarded”’.¹⁴¹ As Hunter notes, although a distinction was made between “inward” and “outward atheism”, the relationship between atheistic speculation and impious behaviour was considered symbiotic.¹⁴² In the same way, blasphemy and heresy were considered synergetic to ungodly or profane behaviour.

This connection is illustrated by controversy over Ranter behaviour. At St Helen’s Church, Bishopsgate, in January 1649 Abiezer Coppe caused outrage preaching an hour long sermon filled with blasphemies and cursing, purportedly declaring “a pox of God take al your prayers hearing, reading, fasting”, before being accosted in the pulpit.¹⁴³ Coppe’s *A fiery flying Roll*, and *A second fiery flying Roll* were published in 1649 in

¹⁴¹ Quoting Gardiner, Samuel, *Doomes-day Booke*, (1606), p. 1; Stephens, John, *Satyrical Essayes Characters and Others* (1615), p. 212, in Hunter, Michael, ‘The Problem of “Atheism” in Early Modern England’, *Transactions of the Royal Historical Society*, 5: 35, (1985), p. 141

¹⁴² Hunter, ‘The Problem of “Atheism” in Early Modern England’, pp. 142-143

¹⁴³ (Reading, John, *The Ranters Ranting*, (1650), p. 6), quoted in Hessayon, Ariel, ‘Coppe, Abiezer (1619–1672?)’, *ODNB*

London; his active attempts to propagate his heterodox views and reports of his licentious behaviour were visible affronts to godly sensibilities. On 18 December 1649 warrants for arresting Coppe and seizing his books were issued by the Council of State; by 8 January 1650 he was imprisoned at Warwick, and moved on 10 January by soldiers to gaol in Coventry.¹⁴⁴ Coppe reportedly claimed ‘he was “above Ordinances” and that he was “a childe of God”’; he acquired a reputation for loose living, cursing, swearing, ““spreading blasphemies, and committing base lewd sins””.¹⁴⁵

On 1 February 1650, the Commons Journal (and the consequentially printed Order) report that several passages were read from Coppe’s *A fiery flying Roll*, whereupon Parliament resolved it ‘doth contain in it many horrid Blasphemies, and damnable and detestable Opinions, to be abhorred by all good and godly people.’ The book and all copies were to be burnt by the hangman at New Palace Yard Westminster, and the Market place in Southwark.¹⁴⁶ The Commons ordered the Sergeant at Arms to conduct ‘diligent search’ in places suspected of having copies, and along with all Mayors, Sheriffs and JPs, to seize and burn them. The Council of State were to examine the matter of the author, printer and publishers of this ‘blasphemous Book’, and to present their opinion to the House ‘for the exemplary Punishment of the Offenders, and the Preventing of the Publishing of the like Blasphemies.’¹⁴⁷ This concern to provide ‘exemplary’ punishment is reminiscent of the treatment of Paul Best in the 1640s. On 4 February, Parliament also ordered a solemn day of humiliation for the last day of the month for blasphemies and abominations; as regular humiliations had been abolished public fasts during the Interregnum were only called for specific purposes.¹⁴⁸ God and the Christian profession

¹⁴⁴ Hessayon, Ariel, ‘Coppe, Abiezer (1619–1672?)’, *ODNB*

¹⁴⁵ (*Severall Proceedings in Parliament*, 16, 11–18 Jan 1650, 213), cited in Hessayon, Ariel, ‘Coppe, Abiezer (1619–1672?)’, *ODNB*

¹⁴⁶ ‘1 February 1650’, *CJ V.6*; England and Wales Parliament, ‘*Die Veneris I Februarii*’, (1649/50)

¹⁴⁷ ‘1 February 1650’, *CJ V.6*

¹⁴⁸ This is the humiliation discussed at the end of chapter three.

were dishonoured by England's sins which all should confess and be humbled for.¹⁴⁹ This exhortation to godliness and obedience would appear to be part of the attempt to extinguish blasphemies and continue to work for reform. As John Owen preached to Parliament at Margaret's Westminster on this day (28 February), they must trust that God would fulfil his promises, and continue to work in propagating the Gospel: '*Zion is a Crown of Glory in the hand of the Lord, as a royal Diadem in the hand of her God: Isa. 62. 3.*' These '*precious living stones of Zion*' by the will of God undergo '*many a sharp cutting*' before taking their final place in his diadem; despite obstacles the way of the promise is clear, as a river '*stopped with a Damme*' rises and gains strength, '*until it bear down all before it, and obtain a free course to it's appointed place.*'¹⁵⁰

Also imprisoned in Coventry was Joseph Salmon, former chaplain to Ireton's regiment, who, according to *A Perfect Diurnall* preached there on 10 March 1650; 'honest men' soon discovered he was 'not onely a comrade of *Coppe*', he also possessed 'a most dangerous spirit', and was heard to 'swear many sad oaths' for which 'he was convicted before the Magistrate'. He and Andrew Wyke were described in cautioning tones as men of 'acute wits' and 'voluable tongues'.¹⁵¹ Wyke, a Baptist preacher, and his kinswoman Mistress Wallys were also committed to Coventry gaol for swearing and breaking the prohibition against visiting Coppe. 23 March, *A Perfect Diurnall* informs us that Coppe was brought the previous Tuesday from Coventry to Newgate gaol.¹⁵² The publicity surrounding those who professed heterodox and blasphemous opinions spurred both local authorities and Parliament to restrict the activities, and make an example of blasphemous

¹⁴⁹ England and Wales Parliament, *An Act Appointing Thursday the last Day of February, 1649. For A Solemn day of Humiliation, Fasting and Prayer: And Declaring the GROUNDS therof.*, (London: 4 February 1649/1650)

¹⁵⁰ Owen, *THE Stedfastness of PROMISES, ... Febr. 28. 1649...*, (London: 1650), p. 33

¹⁵¹ Pecke, Samuel, (ed.), *A perfect diurnall ... in relation to, the armies*, 'Numb. 14', (11 – 18 March, 1650), p. 128

¹⁵² Ariel Hessayon, 'Coppe, Abiezer (1619–1672?)', *ODNB*; Pecke, *A perfect diurnall ... in relation to, the armies*, 'Numb. 15', (18 – 25 March, 1650), p. 141

offenders like Coppe. It also increased Parliament's concern to prevent the spread of like ideas in print.

14 June 1650, now under the heading 'Supressing Ranters', identifying these blasphemers as a recognisable group, the Commons Journal records the order of referral of the matter to a committee, to 'consider of a Way for Suppression of the obscene, licentious, and impious Practices, used by Persons, under Pretence of Liberty, Religion, or otherwise'. Any five or more of the named committee were to meet that afternoon under the 'special Care' of John Weaver, an energetic promoter of 'religious and moral reform'.¹⁵³ The Bill against Cursing and Swearing was also debated on 14 June, which was possibly influenced by the reputation of Ranters' verbal obscenities.¹⁵⁴ Coppe himself claimed he had been informed that the Blasphemy Act and the Act against incest, adultery, and fornication were put out because of him, to make him appear guilty.¹⁵⁵ On 24 June 1650 under the heading 'Supressing Ranters', Weaver reported to the Commons from the Committee, for 'A Bill for suppressing divers atheistical, blasphemous, and execrable Opinions, and unlawful Meetings and Assemblies', which was read a first time. The Commons Journal records a vote 'That this Bill be rejected'; although decided in the negative, the fact that this motion was put forward suggests some (minority) support for comprehensive liberty of conscience – even in the case of 'Ranters'. Upon an affirmative vote the bill was read a second time, and then referred to a committee on the Wednesday, which included amongst its number more radical members such as Sir Henry Vane Junior, who supported 'complete freedom from magisterial constraint in spiritual matters', and Colonel Harrison.¹⁵⁶ 25 June, *A Pefect Diurnall*, reported, 'Upon consideration of the strange meetings and practises of

¹⁵³ Barnard, Toby, 'Weaver, John (d. 1685)', *ODNB*

¹⁵⁴ '14 June 1650', *CJ V.6*

¹⁵⁵ Coppe, Abiezer, *A remonstrance of the sincere and zealous protestation of Abiezer Coppe, against the blasphemous and execrable opinions recited in the act of Aug. 10. 1650*, (1651, [Thomason date, 3 January]), p. 1

¹⁵⁶ Mayers, Ruth, E., 'Vane, Sir Henry, the younger (1613–1662)', *ODNB*; '24 June 1650', *CJ V.6*

those commonly called Raunters, a Bill hath beene read for suppressing the same, and punishing the offenders; referred it to a committee, to revise all former statutes, and Ordinances now in force, and consider how the same may be reduced into such compendious way, for the more easie and clearer understanding of the people.’¹⁵⁷ This implies that the expectation was that this impending statute would replace the Heresy Ordinance and other penal legislation for religious offences, although in the event it did not. On 12 July, debate ‘upon the Amendments to the Bill against several atheistical, blasphemous, and execrable Opinions, and unlawful Meetings, where such Opinions are vented’ continued, being adjourned for a week after voting against the inclusion of the clause that ‘these Words, “or that the Judging of such Things to be Sin, is only through the Darkness that is in Men,” do stand.’¹⁵⁸ On 19 July, when the debate was resumed, the Bill was described only as opposing ‘atheistical, blasphemous, and execrable Opinions’, omitting the words against ‘meetings or assemblies’ at which these opinions were ‘vented’.¹⁵⁹

Earlier in the year, *A Perfect Diurnall* had reported that for his blasphemous publication *The light and dark sides of God*, Jacob Bauthomley, Quartermaster in Colonel Coxe’s Regiment, had been court-martialled at Whitehall, 11 March 1650. On Thursday 14 March he was sentenced: ‘to have his Tongue bored through with a red hot Iron, his Sword broke over his head, and he cashiered the Army’, and his book ‘burnt before his face in the Pallace yard at *Westminster*, and at the Exchange *London*, which sentence was accordingly this day executed.’ His books were also burnt in Leicester and Hertford, as he was a ‘Country-man’ of Leicester.¹⁶⁰ Interestingly enough, the question propounded and decided in the negative on 19 July, was ‘That Boreing of the Tongue be the Punishment for the

¹⁵⁷ Pecke, *A perfect diurnall ... in relation to, the armies*, ‘Numb. 29’, (24 June – 1 July, 1650), ‘June 25’, p. 324

¹⁵⁸ ‘12 July 1650’, *CJ V.6*

¹⁵⁹ ‘19 July 1650’, *Ibid*

¹⁶⁰ Pecke, *A perfect diurnall ... in relation to, the armies*, ‘Numb. 14’, (11 – 18 March, 1650), p. 125

Second Offence'. 'Boreing' through the tongue for blasphemy was a clause that was rejected even in the drawing up of the harsher punishments threatened by the 1648 Heresy Ordinance; apparently then, a court martial could inflict a punishment which a civil court could not. Ian Gentles describes this practice of boring through the tongue as being a common punishment for blasphemy in the army.¹⁶¹ An instance which supports this is reported in *The Impartiall Scout's* entry for 24 July 1650, when 'A souldier of Colonel Okeys Regiment' was also sentenced by court martial, 23 July, to receive this punishment 'for blasphemous words.'¹⁶²

Later in the 1650s during debate over James Nayler's punishment, it was argued his tongue should be bored through for having 'bored through God'; Major Audley stated 'It is an ordinary punishment for swearing, I have known twenty bored through the tongue.' Aversion to this punishment, which perhaps explains its omission from the Heresy Ordinance, clearly continued, as the Lord President objected in Nayler's case: 'You had better take his life; that tongue may afterwards praise the Lord'.¹⁶³ Instead of tongue boring, it was voted and passed 19 July that 'the Punishment in this Clause of the Bill, for the Second Offence, shall be Banishment; and, upon Returning without Leave of the Parliament, then Death'. This being described as 'the main Question', 'Mr. Corbett, Sir Henry Vane, Mr. Weaver, and Mr. Attorney' were ordered to withdraw and 'pen a Clause upon the former Vote.' Thereupon, Weaver reported the 'Amendments to the Act prohibiting the Publishing of atheistical and blasphemous Opinions' which were assented to, and the committee were ordered to meet again in the afternoon to discuss Clarkson's *A single eye*.¹⁶⁴

¹⁶¹ Gentles, *The new model army*, pp. 107, 470 (footnote 115)

¹⁶² Border, D., (ed.), *The Impartial Scout*, 'Numb. 58', (26 July – 2 August, 1650), p. 260

¹⁶³ [16 December 1656], *BURTON V.1*, p. 154

¹⁶⁴ '19 July 1650', *CJ V.6*

When introduced in Parliament in June, the proposed Act against blasphemies initially contained the words ‘the unlawful Meetings and Assemblies’; whilst one would not want to read too far into the omission of this phrase from the title of the Act in the July, there is further evidence suggesting a reluctance to search out and punish those who would be denounced under it.¹⁶⁵ On 9 August the suggested clause was put to vote for enacting that all mayors, Justices, bailiffs and constables ‘within their Limits, and respective Jurisdictions’, have authorization by this act to diligently search and enquire ‘from time to time’ after the places of ‘such meetings’. The further question was put, for extending a clause to cover all people who “assemble and meet together in any Inn” and “knowing the same”: The yeas came back at 19 with Colonel Purefoy and William Brereton as tellers, and the noes came back at 24 with Henry Vane Junior and Lord Commissioner Lisle as tellers. The above two clauses were not included in the final version of the Act, and neither were the two following, which were proposed to be included in the bill but were negated, and concerned ‘the Owner or Master of the House where such Assemblies shall be’, and enforcing ‘Punishment of the Neglect of Justices of the Peace, and other Officers’. This suggests that those, like Henry Vane (elected, along with William Purefoy to the new Council of State in 1649), who opposed granting the power of the magistrate to investigate and punish religious infractions or unorthodox gatherings had considerable influence, as the subsequent Act for the Relief of Religious and Peaceable People further demonstrates. However, wholesale ‘toleration’ was also rejected; a question was put for including in the act the words: “or that the Laws made by any Power on Earth for Restraining and Condemning of these Things, in any Person, are against the Mind and Intention of God”. This ‘passed with the Negative.’¹⁶⁶

¹⁶⁵ ‘24 June 1650’, Ibid

¹⁶⁶ ‘9 August 1650’, Ibid

That this clause, and the motion for rejecting the bill entirely were suggested, reveals that the divide in Parliament over the power of the magistracy was similar to that in the Whitehall debates, between a denial of the magistrate's authority in religious matters, and support for a limited power. Another question receiving a negative vote, was 'That these Words; viz. "and other Things of that Kind or Nature," do stand in the Bill'; this is evidence of concern that the legislation contain no ambiguities. Whilst in principle the majority in Parliament agreed to restrict offences defined by the Blasphemy Act, there was division over how to go about this 'restriction' in practise.¹⁶⁷

On 20 September, Colonel Jones reported from the Committee discussing amendments to 'An Act for the Relief of Religious and Peaceable People from the Rigour of former Acts of Parliament, in Matters of Religion' (passed 27 September). Following which, 'the Committee to whom the Consideration of the Ordinance against Blasphemy is referred,' was ordered to meet, and present something in seven night's time.¹⁶⁸ That it was the 1648 Heresy and Blasphemy Ordinance under discussion here is confirmed by an entry in the Commons Journal for 8 October 1651, where an order is recorded under the title 'Blasphemies and Heresies' that 'the Ordinance, intituled, "An Ordinance of the Lords and Commons assembled in Parliament for the punishing of Blasphemies and Heresies," be brought in, and read on Wednesday next, for the House's further Consideration thereof.'¹⁶⁹ As we shall see in chapter five, these motions came to nothing. The Blasphemy (Heresy) Ordinance, hitherto not directly mentioned in reports of the Blasphemy Act debates, was being considered at a time when liberty of conscience was also under discussion. The final 'Act for the Relief of Religious and Peaceable People', permitted Independents and a number of godly separatist sects to worship apart from the 'public profession', yet it still

¹⁶⁷ '9 August 1650', *Ibid*

¹⁶⁸ '20 September 1650', *Ibid*

¹⁶⁹ '8 October 1651', *CJ V.7*

did not directly repeal the provisions of the Heresy Ordinance against ‘several errors’. This could be suggestive of an attempt to either dismantle it under another act, or, when taken alongside the report of June 25 in *A Perfect Diurnall*, cited above, to pass a more specific and simplistic replacement statute, that would re-define ‘heresy’ to operate alongside the Blasphemy Act. Given the conflicting impulses for liberty and restraint in Parliament either interpretation is plausible.

David L. Smith has suggested that: ‘the Rump was anxious to dissociate itself from the more radical sects and thus passed acts against adultery and blasphemy in 1650. It seems to have felt rather embarrassed by its solitary concession to religious radicalism, the Toleration Act of September 1650, which abolished compulsory attendance at parish churches’. Although, as he points out, ‘the terms of the act were quite limited, not least because everyone was still obliged to attend some form of religious service on Sundays, and most members of the Rump were increasingly hostile towards the radical sectaries.’¹⁷⁰ However, although Parliament was undoubtedly keen to avoid association with radical sects, it does not seem apparent that the Rump would feel embarrassed by the ‘Act for the relief of the religious and peaceable’. The Prayer Book services and holy days officially repealed in the act had already been banned, and compulsion of the conscience was generally abhorred by those of an Independent way, and although understood in a different way, by Presbyterians also (see above). This liberty was evidently not intended to be extended to those maintaining all opinions, or to the ‘prophane and licentious’, as the act still insisted on keeping the Lord’s Day, thanksgivings, and humiliations at ‘some publique place where the service and worship of God is exercised’, or participating in ‘Prayer, Preaching, Reading or Expounding the Scriptures, or conferring upon the same’.

¹⁷⁰ Smith, David. L, *The Stuart Parliaments 1603-1689*, (London: Arnold, 1999), p. 137; this is essentially what was argued by Blair Worden who reached this conclusion on the basis of the delayed reporting of its passing in the Parliamentary newsletters, and their reporting on 27 September instead that the Rump opposed licentiousness and abuse of liberty. See: Worden, *The Rump Parliament*, p. 239

Intriguingly it did not state that Papists or the Prayer Book were excluded from this liberty, which is a very surprising omission.¹⁷¹ Thus although ‘toleration’ effectively permitted a broad range of opinions and beliefs (many of which would have been classed as errors under the 1648 Heresy Ordinance), it was only extended to those maintaining a biblically centred religion, the forms of prayer and preaching, and those committed to godliness and repentance for sin. It was in fact ‘intended onely for Relief of pious and peaceably minded people from the rigor’ of the repealed laws. The Act for the relief of the religious and peaceable was in harmony with, rather than contrary to the temper in Parliament. And significantly, its terms had previously been urged in a proposal from Fairfax, included in a letter of appeal sent to Parliament in July 1647 (see end of chapter two), and also formed a significant part of the 16 Propositions for settlement in autumn 1647.¹⁷²

As J. C. Davis points out, there were ‘terrible tensions evoked by the convergence of fears of formality and fears of formlessness: the desire for authentic, unfettered spirituality and the need for constraint against carnal self – and collective – deception; the desire to respect diversity of religious experience and the fear that unity could not be maintained without some formal insistence on fundamentals, some uniformity.’¹⁷³ However it seems that there was tension in the way that formalism itself was viewed, for, as Davis wrote, ‘Formality reconciled liberty and authority. Anti-formalism threatened to subvert that linkage’.¹⁷⁴ When taken too far, extreme anti-formalism (by those like the Ranters) rejected all the external forms and practises of religion; however, formality, as the empty performance of external duties, or the hypocritical proclamation yet non-practise of

¹⁷¹ ‘September 1650: Act for the Repeal of several Clauses in Statutes imposing Penalties for not coming to Church.’, *A&O.I.*, pp. 423-425

¹⁷² ‘...Letters from the Parliament's Commissioners with the Army, with a further Proposal from the General and Army...’; ‘Historical Collections: Parliamentary proceedings, July 1647’, Rushworth, *Historical Collections... Volume 6*, pp. 604-657

¹⁷³ Davis, J. C., ‘Against Formality: One aspect of the English Revolution’, in *Transactions of the Royal Historical Society*, Sixth Series, III, (London: 1993), p. 286

¹⁷⁴ Davis, ‘Against Formality: One aspect of the English Revolution’, p. 287

Christianity, was denounced alongside blasphemy, atheism and profanity in the Blasphemy Act of August 1650. The Rump's repeal of the ordinance enforcing a monthly fast in April 1649, to be replaced by peculiar fasts as occasion called, could be interpreted as a response to anti-formalism, though this may also have been influenced by their unpopularity and use of the occasions to preach a Royalist message.¹⁷⁵

Arguments founded on an exemplary Old Testament magistracy can be traced through printed support for the Heresy Ordinance (see chapter two), the Whitehall Debates (1648-9), and rationale for the Rump legislation. Whilst the emphasis and forms of punishment and civil involvement changed, and a commitment to religious liberty for the godly held back a policy of stricter persecution, there was a reluctance amongst many of those anxious to promote a godly society to relinquish the perceived responsibility and duty of the magistracy to quash false religion, irreligion and immorality. This appeal to the magistrate to reform England was at odds with those more radical proponents of reform through the Spirit in God's own timing. For example, Raunce Burthall produced a pamphlet, which mostly focused on opposing the newly arisen false and blasphemous prophets, called Ranters, and their worship of reason. However, he began by expressing the hope that another kind of false prophet who had persecuted God's people had 'almost expired'. These prophets belonged to a false and carnal church, and depended on civil power, whereas the true Church depended on Christ's spirit.¹⁷⁶ It is thus suggested, although not explicitly argued, that even against horrific blasphemers like Ranters carnal power was not the answer; as Burthall stated in his epistle, God himself would take vengeance on those who did not obey the Gospel.¹⁷⁷ Appealing to the magistracy to forcibly purify religion was associated with persecution and false leadership; William Dell

¹⁷⁵ Durston, "For the Better Humiliation of the People", p. 142

¹⁷⁶ Burthall, Raunce, *An old Bridle For a wilde Asse-colt. OR, The new mystery of iniquity unfolded*, (London: 1650 [Thomason date 31 October]), p. 3

¹⁷⁷ Burthall, *An old Bridle For a wilde Asse-colt*, p. 2

also argued that it was a sign of its being a church ‘of men’ when it relied on carnal powers rather than the Spirit of God.¹⁷⁸ As a matter of practicality however, as attitudes towards religious offenders in the 1650s showed, support for liberty tended to weaken in the face of blatant and charismatic, blasphemous and heretical threats.

Those who lamented the failure of the Presbyterian settlement to erect a national church government pointed to the emergence of heretics and blasphemers as evidence of the evils of toleration. One clear example of this is a Presbyterian pamphlet against the ‘heretical blasphemies’ which had sprung up in the ‘deplorable’ interval between Church governments. Written by John Brinsley with an epistle by Simeon Ashe, this pamphlet was printed on 10 August 1650, the day after the Blasphemy Act was passed. Highlighting the disorder of the times, Brinsley pointedly urged people: ‘Let our hands be against the evils of sin. Every of us endeavouring according to our (now almost forgotten) *Covenant, to go each before other in a real Reformation of our own hearts and lives*. This is the way to make the *Street* clean: every one to sweep before his own dore’.¹⁷⁹ This analogy would have been particularly relevant to many hearers as neglect of this communal duty was a frequent complaint at Quarter Sessions.¹⁸⁰ Brinsley provided an exhaustingly lengthy definition of blasphemy, and following the usual explanations for the presence of heresies and blasphemies, laid the blame for their ‘desperate height’ on the negligence of those who had care of the Church. This had caused tares and ‘evill instruments’ to ‘creep in’; for ‘whilst the *golden reynes of Ecclesiastical Governement* have been relaxed and let loose; and the *Civill sword* otherways imployed’ lesser errors had ‘been connived at, and *de facto*

¹⁷⁸ Dell, William, *The way of true peace and unity among the faithful and churches of Christ*, (1649), pp. 3-13

¹⁷⁹ Brinsley, John, *An Antidote against the poisonous weeds of heretical blasphemies, which during the deplorable interval of church-government have grown up in the reforming Church of England. As it was lately presented to the Church of God at Great Yarmouth... Augus. 10. 1650*, (London:1650), p. 3

¹⁸⁰ For examples, see: presentments before Liverpool Portmoot Court/Quarter Sessions: one offender, 31 March 1651, p. 21; three offenders, 12 January 1651, p. 30; a general complaint against dung in the street, 15 November 1652, p. 36; two offenders, 4 April 1653, p. 36; twenty-seven offenders, 8 August 1653, p. 40, in: Power, Michael, (ed.), *Liverpool Town Books 1649-1671*, (The Record Society of Lancashire and Cheshire, Volume CXXXVI, 1999)

tolerated', and had by degrees got worse 'through this liberty'.¹⁸¹ It is within the context of urging stricter measures against blasphemers and heretics that we should interpret the publication of an account of the 'Commissions and Warrants' for the execution of Legate and Wightman in 1651. Although it contains no polemical argument elsewhere, the cover sheet directly compares the 'Blasphemous Heresies' of these two men with the professed 'New Lights' of 'our Ranters'.¹⁸² This association essentially suggested that Ranters deserved the like punishment and is a clear indication of continued support for capital punishment for heresy.

Conclusion

According to Chung, in the Independent settlement Congregationalists never intended to go beyond the Resolutions (e.g. Propositions) of October 1647, which were intended to redefine acceptable belief rather than the parameters of toleration.¹⁸³ Whilst in many respects Chung is correct in identifying the bare bones of the magisterial Independent's vision of a settlement within the Sixteen Propositions, there is strong evidence as this chapter has shown, to suggest that the more radical elements of Independency exerted a powerful influence upon their more reserved or orthodox contemporaries. The acts passed by the Rump and later Protector were to an extent attempting to follow the Officers' version of the Agreement of the People which was far more radical in its civil freedoms, and also in its religious settlement. Instead of Presbytery

¹⁸¹ Brinsley, *An Antidote against the poisonous weeds of heretical blasphemies*, p. 18

¹⁸² Anon., *A true relation of the Commissions and Warrants for the Condemnation and Burning of Bartholomew Legate and Thomas Withman the one in West-Smithfield, London, the other at Lichfield, in the Year 1611... In which is laid open their most Blasphemous Heresies and false Opinions, being part of them the very same which our Ranters in these times profess to be their New Lights*, (London: MDCLI) [e.g. meaning Edward Wightman]

¹⁸³ Chung, p. 238-263

for three years, the Agreement left the Representatives in Parliament to decide the form of the public profession so long as that was not popery or prelacy; and rather than simply stating liberty, and remission of penalties for tender orthodox dissenters, it stated there was to be no compulsion to attend the public profession, or pay tithes, and all (except perhaps Papists and Prelates) professing faith in God by Christ, were to have liberty to worship; all contrary laws were to be repealed.

By comparison, the Propositions of 14 October 1647 offered liberty to be directed to a specific range of people; they also tempered this indulgence with the prohibition of printing, publishing, or preaching against the principles of religion, and anything ‘contrary to those Points of Faith, for the Ignorance whereof Men are to be kept from’ the Lord’s Supper, as set forth in the 1645 Rules and Directions.¹⁸⁴ When one examines the Rules and Directions, they contain in brief many of the main points contained in the Confession of Faith, and are of a very Reformed nature. In the Act for the Repeal of September 1650 there are no such stipulations on the liberty that removed penalties for non-attendance, requiring only attendance at some public place of worship on the Lord’s Day, humiliations and thanksgivings, or ‘some other place’, practicing ‘some religious Duty, either of Prayer, Preaching, Reading, or Expounding the Scriptures’. Indulgence is not bound to the Reformed orthodoxy set out in the collective Ordinances passed during the 1640s, which, given the influence of the New Model Army and more radical MPs is hardly surprising. What is surprising is that neither an adherence to the principles of religion, or exclusion of Popery and Prayer Book Worship are mentioned either. Whilst the liberty of conscience of the godly was not enshrined in law under the Rump or reserved and thus protected from future representatives (one of the driving forces behind the Agreement), its legislation

¹⁸⁴ ‘14 October 1647’, *CJ V.5*; see: ‘October 1645: An Ordinance, together with Rules and Directions concerning Suspension from the Sacrament of the Lords Supper in cases of Ignorance and Scandall.’, pp. 789-797, *A&O.I.*; see Extract 7, Appendices

focussed on reforming outward infractions of the moral law, and allowing a broad freedom of worship to pious and peaceful Christians. It appeared then, to be concerned with promoting godly Christian practice, rather than with enforcing acceptance of correct doctrine, or restraining false doctrine.

The overall effect of the debates and legislation from early 1649-1652, suggests that enshrining a broader liberty than hitherto was intended, except there was hesitation over how to achieve this whilst maintaining authority and power to restrict ungodliness and atheism. The Blasphemy Act was concerned with atheism, blasphemy and scandalous opinions, it did not mention heresy, and perhaps should not even be seen as the successor of the Heresy and Blasphemy Ordinance but rather an indication of the different concerns of Independents. Furthermore, within the Rump were conflicting strains of opinions, ranging from wanting a comprehensive liberty to desiring the drawing up of a specific definition of orthodoxy.

This chapter has attempted to demonstrate that Rump religious legislation followed the path of the magisterial reformers, in attempting to find a middle way through the two extremes – persecution/coercion and universal toleration/liberty. Whilst Parliament was genuinely concerned to provide religious liberty for the godly there was anxiety over the proliferation of irreligion, immorality and blasphemy/heresy perceived to be benefiting and taking advantage of too generous or general a ‘liberty’. The majority position appears to have been a reluctance to lay down restrictive powers in matters religious; however, to neglect to specify exactly what powers the magistracy had over religion and private consciences, was to leave the godly dangerously exposed to future representatives. Furthermore, which opinions and practices were encompassed by the umbrella of ‘orthodoxy’ and thus to be allowed liberty continued to be a matter of contention throughout the 1650s. This delayed the establishment of the godly’s freedoms in statute.

Despite Parliamentary declarations in support of liberty for the godly, it was not until the Instrument of Government was issued in 1653, that the broad offer of freedom to those professing faith in God through Jesus Christ, advanced by the Officers Agreement, was officially stated as being government policy. Yet even this was never ratified by Parliament, and was thus of dubious strength of authority. It is striking in fact, as Ann Hughes has demonstrated how closely the Instrument followed the Officers' Agreement.¹⁸⁵ By then, the Rump had been dissolved, and the ideal of power resting in the representatives had fallen far short of the intentions of the Agreement of the People's original authors. If it was Independents calling the shots in Parliament they were too conservative and slow in proclaiming the liberty of the saints for Cromwell and the Army. Yet for others, as shown by the 1650s attempts of 'respectable' Independent ministers, to impose a comprehensive list of fundamentals in religion to which only the 'orthodox' could subscribe, they were not harsh or specific enough in punishing error and defining orthodoxy.

¹⁸⁵ Hughes, Ann, "The public profession of these nations": the national Church in Interregnum England', in Durston, & Maltby, *Religion in Revolutionary England*, pp. 95-96

Chapter Five

Government, the law and liberty of conscience

It was suggested in the previous chapter that the 1650 Blasphemy Act should be viewed alongside other religious legislation of the 1650s as being born out of the often conflicting ambitions of newly empowered Independents. The aim, except amongst a tiny minority, was not a wholesale ‘toleration’ of all opinions and religious practises, nor either was the mere provision of a liberty for the saints with or without liberty for others the end goal. Liberty for the godly was intended to bring about personal and national reformation, and for those with strong Millenarian expectations, rule by the saints. As shown in the previous three chapters, differences arose in perceptions of how this reformation or transformation would come about.

This chapter will look at reactions to heresy and blasphemy in the 1650s, through Parliamentary and legal proceedings, and the portrayal of cases of heretics and blasphemers in the popular press. It will attempt to assess enforcement of the Blasphemy Act passed in August 1650, and, through the uncertain shifts in governmental power from Rump Parliament, to Nominated Assembly, to Protectorate, what contentions and difficulties arose in combating error and blasphemy. Examples of prosecution under the Blasphemy Act (particularly against anti-Trinitarian John Biddle and Quaker James Nayler), will be examined alongside the concomitant complications of defining and defending orthodoxy in the absence of a disciplined and compulsory national church, and contention over where, and how, the limits of liberty and magisterial involvement in religion should be set. This chapter is divided into thematic sections, each of which is loosely chronological in structure.

To attempt to discover the extent to which the Blasphemy Act was employed against those maintaining blasphemous or atheistical opinions is a difficult and onerous task; the most logical place to begin is with local law enforcement. Following the abolition of the ecclesiastical courts, the crimes of blasphemy and heresy were dealt with by civil magistrates; as with other crimes, heretics and blasphemers came to the attention of the authorities either through their own vocal or printed activities, or through denunciation mostly by people who knew them. In the provinces complaints and cases were dealt with by Quarter Sessions held four times a year where the courts were presided over by Justices of the Peace, and assisted in criminal trials by grand and trial juries (these rarely dealt with cases warranting the death penalty). Then twice a year, two Westminster judges travelled round six circuits in England, trying or ‘delivering’ all the prisoners in the gaols at the court of Assizes (these judges were also empowered to review more serious criminal cases).¹ The terms of the Blasphemy Act made it quite clear that ‘complaint and proof’ under oath of ‘two or more Witnesses’ must be brought before one or more Justices, or a city or town corporate ‘Mayor or Head-Officer’, who were empowered to convict the accused; upon a second proved offence the offender must remain imprisoned pending the next Assizes, underlining its more serious nature.²

In order to arrive at an idea of whether, how and when the Blasphemy Act was enforced, a search has been conducted through calendared Quarter Sessions and Assize records between the years 1650 and 1660. These covered Yorkshire, Norfolk, Somerset, Chester, Northampton, Wiltshire, Hertfordshire, London, Middlesex, Kent, Essex, Surrey, Harrogate, Lancashire, Liverpool, Coventry, Devon, York and Ainsty, and Cheshire.³ This

¹ Cockburn, J.S., *A History of English Assizes 1558-1714*, (Cambridge: Cambridge University Press, 1972), Ch. 2, pp. 23-48

² 'August 1650: An Act against several Atheistical, Blasphemous and Execrable Opinions, derogatory to the honor of God, and destructive to humane Society.' *A&O.I*

³ Allen, D. H., (ed.), *Essex Quarter Sessions Order Book, 1652-1661*, (Chelmsford: Essex County Council, 1974); Atkinson, J. C., (ed.), *Quarter session records, Vol.5, 1647-58*, (London: North Riding Record Society,

was a time-consuming process and many of these records contained no references to heresy or blasphemy at all; therefore, due to time restraints it was decided not to conduct a more thorough investigation into other available printed and manuscript legal records.

Other valuable sources have included online and printed accounts of trials and legal

1887); Atkinson, J. C. (ed.), *Quarter session records, Vol.6, 1658-77*, (London: North Riding Record Society, 1888); Bates, E. H., (ed.), *Quarter sessions records for the County of Somerset, Vol.3, Commonwealth, 1646-1660*, (London: Somerset Record Society, 1912); Bowler, Hugh, (ed.), *London sessions records, 1605-1685; Publications of the Catholic Record Society ; 34*, (London: Privately printed for the Society by J. Whitehead & Son, Leeds, 1934); Cockburn, J. S., *Calendar of assize records, 13, Kent indictments, 4, 1649-1659*, (London: H.M.S.O, 1989); Cockburn, J. S., (ed.), *Somerset assize orders, 1640-1659, Somerset Record Society; vol.71*, (Frome [Eng.]: Printed by Butler & Tanner, Ltd, 1971); Cockburn, J. S., (ed.), *Western Circuit Assize Orders, 1629-1648: a calendar; prepared for the Royal Historical Society by J.S. Cockburn*, (London: The Society, 1976); Cunnington, B. Howard, (ed.), *Records of the county of Wiltshire: being extracts from the quarter sessions great rolls of the seventeenth century*, (Devizes: Simpson, 1932); Dewhurst, John Cadwallader & Bennett, John Henry Elliot, (eds.), *Quarter Sessions records with other records of the justices of the peace for the county palatine of Chester, 1559-1760: together with a few earlier miscellaneous records deposited with the Cheshire County Council; Vol.1*, (Chester: Record Society of Lancashire and Cheshire, 1940); Everett Green, Mary Anne, (ed.), *Calendar of State Paper Domestic 1655*, (London: Longmans & co, 1881) Fowkes, Joyce. W., (ed.), *Minutes of Sessions: Court of Quarter Sessions of the Peace (City of York and Ainsty), Quarter Sessions Minutes Book, F.7 1616-1619 & 1638-1662*, Cheshire and Chester Archives and Local Studies Service; Fox, Levi, (ed.), *Coventry Constables' Presentments 1629-1742*, (Oxford: Oxford University Press, 1986); Hamilton, A. H. A., *Quarter Sessions from Queen Elizabeth to Queen Anne; Illustrations of Local Government and History, Drawn from Original Records (Chiefly of the County of Devon)*, (London: Sampson, Law, Marston, Searle & Rivington, 1878); Hardy, William John, (ed.), *Notes and extracts from the sessions rolls 1581-1894: and addenda 1630 to 1880 Hertfordshire (England). Quarter Sessions*, (Hertford: Clerk of the Peace Office, 1905); James, D. E., (ed.), *Norfolk Quarter Sessions order book, 1650-1657*, (Norwich: Norfolk Record Society, 1955); Jeaffreson, John Cordy, (ed.), *Middlesex County Records, Rolls, Books, and Certificates I Charles I to 18 Charles II. 1625-1667 AD, Middlesex County Records Vol. III*, (Clerkenwell: Middlesex County Record Society, 1888); Kaye, Walter Jenkinson, jr, (ed.), *Records of Harrogate: including the register of Christ church (1748-1812), with supplementary extracts from Knaresborough (1560-1753), notes on the pre-reformation chantry & the early history of the waters, early inhabitants, and extracts from the parish accounts of Pannal, Knaresborough and Clint, and from court rolls, quarter sessions rolls and muster rolls*, (Leeds: F.J. Walker, 1922); Le Hardy, William Henry Clement, (ed.), *Calendar to the sessions books and sessions minute books and other sessions records 1619 to 1843, Hertfordshire (England). Quarter Sessions*, (Hertford: Clerk of the Peace Office, 1928); Mitchell, Alex, F, & Struthers, John, (eds.), *Minutes of the Sessions of the Westminster Assembly of Divines*, (Edinburgh: William Blackwood and Sons, 1874); Nickalls, John. L, (ed.), *The Journal of George Fox*, (Cambridge: Cambridge University Press, 1952); Pordage, John, 'Proceedings of the Commissioners, appointed by Oliver Cromwell, for ejecting Scandalous and Insufficient Ministers, against John Pordage, of Bradfield, in the County of Berks; 6 CHARLES II. A.D. 1654', in: Howell, Thomas. B., (ed.), *Cobbett's Complete State Trials. 1650-1661. Vol. 5*, (London: R. Bagshaw, 1810); Powell, Dorothy L, (ed.), *Quarter sessions records with other records of the justices of the peace for the county of Surrey*, (Kingston: Surrey Record Society, 1931); Power, Michael, (ed.), *Liverpool Town Books, 1649-1671, The Record Society of Lancashire and Cheshire volume cxxxvi*, (Dorset: Henry Ling Ltd at the Dorset Press, 1999); Quintrell, B. W, (ed.), *Proceedings of the Lancashire justices of the peace at the Sheriff's table during assizes week, 1578-1694*, (Chester: Record Society of Lancashire and Cheshire, 1981); Shakespeare Centre Library and Archive, *Records of the Stratford-upon-Avon Corporation*, Access to Archives online; Wake, Joan, (ed.), *Quarter sessions records of the county of Northampton: files for 6 Charles I and commonwealth (A.D. 1630, 1657, 1657-8)*, (Hereford: Northamptonshire record society by the Hereford Times Ltd, 1924)

proceedings, including those of Pordage, Coppin, Biddle, Nayler, Norwood and Tany (which will be discussed below). Many of the printed accounts were characterised by the sensationalism of cheap, popular pamphlets, and it is important to note that these accounts are often embellished for dramatic or polemical effect. However they are an invaluable source for adding meat to the bones of other sources, and often corroborate or at least recount details similar in substance. At other times print provides the only sources available.

Although it appears from the records searched that blasphemy and heresy were not common crimes presented at Quarter Sessions and Assizes, there is evidence to suggest that the Blasphemy Act was used against a number of individuals infringing on its prohibitions.⁴ Derek Hirst suggests that there were ‘perhaps twenty prosecutions under the blasphemy act’, although he does not list his sources or provide reasons for this approximation.⁵ Research for this chapter uncovered evidence of at least forty-two individuals having been presented for blasphemy in the 1650s; whilst a few like Nayler were not punished under the Blasphemy Act itself, clearly this Act was more regularly enforced than Hirst realized. Along with the more common presentments for interrupting church services (associated with Quakers), there emerges a picture of local people supporting the magistrates in attempting to quell the propagation of heterodox opinions and blasphemous/atheistical expressions. What also becomes clear is that the terms of the Blasphemy Act were considered by some to be overly narrow. However, attempts to apply its jurisdiction to a looser understanding of what constituted ‘blasphemy’ did not go uncontested either, reflecting concern over deployment of the Act against the godly, and hence the concern to couch accusations in terms that echoed in some cases word for word

⁴ See Number 6, Appendices, for some examples of Blasphemy cases

⁵ Hirst, Derek, *England in Conflict 1603-1660. Kingdom, Community, Commonwealth*, (London: Arnold, 1999), p. 264

those of the Act itself. We will begin by looking at cases brought before civil courts before the passing of the 1640s and 1650s Heresy and Blasphemy legislation, and then proceed to consider prosecutions under the Blasphemy Act.

As the previous chapters have illustrated, the civil authorities endeavoured to deal with blasphemy and heresy prior to the passing of the Heresy Ordinance, and the Blasphemy Act. In Stratford-upon-Avon at the Borough Quarter Sessions, John Rowse a yeoman of ‘Newbold (“Noball”), Tredington,’ was accused of blasphemy on 20 March 1647; he was examined, and then sureties being provided, was required to appear at a later Sessions to answer a charge of blasphemy.⁶ Although search does not reveal what happened to Rowse, it is interesting that this case was presented so soon after the 10 March Humiliation for heresies and blasphemies was held. It is plausible that Rowse’s accusers were merely waiting for a Sessions at which to present him, however it is also possible that they were inspired by the extraordinary fast to take action. Another case is that of Samuel Hall; despite the Assembly finding him unfit to be minister at Thaxstead in April 1647, and on 19 May advising MPs he was unfit for the ‘Charge of Souls’ or any ministry employment, he was inducted to the Essex vicarage by the Lords on 3 August 1647.⁷ They rescinded this order on 24 September following investigation into a complaint made against Hall by Richard Turner.⁸ Hall was accused of preaching ‘against the proceedings of Government in Trinity College, 29 March 1647’, and of using ‘blasphemous words’ in a sermon. It appears his political subversion was the principal cause of concern. Submitting a

⁶ Information was sworn against Rowse by Edward Welles, by Nicholas Dawson, Elionor Welles, and Elionor Tomlins. Shakespeare Centre Library and Archive, [SC.L&A] *Records of the Stratford-upon-Avon Corporation*, BRT4/1/1/29; BRT4/1/1/30; BRT4/1/1/31; BRT4/1/1/33; sureties provided by Francis Billing, and Alice Smith, widow. SC.L&A, *Records of the Stratford-upon-Avon Corporation*, BRT4/1/1/32; BRT4/1/1/39 FROM: Access to Archives online

⁷ ‘Sess. 814. March 24, 1646 Wensday morning’, pp. 474-475; ‘Sess. 820. April 5, 1647. Munday’; ‘Afternoone.’, pp. 488-489, *MINUTES VOL IV*; ‘3 August 1647’, *LJ V.9*; ‘21 May 1647’, *LJ V.9*

⁸ ‘8 September 1647’, *LJ V.9*; ‘17 September 1647’, pp. 437-439; ‘24 September 1647’, pp. 448-450; ‘27 September 1647’, pp. 450-452

penitent petition on 1 October, the Lords granted his release that day.⁹ Another instance is an (undated) report of Gawen Sexton a baker, who at the Midsummer Sessions for Devonshire was committed: ‘for marrying his brother’s wife, and preferring a petition containing heresy’, which defended his action by making a Scriptural argument ‘intended to prove that his matrimonial arrangement was not contrary to the law of Moses, and further, if it were so contrary, that the ordinance in question was a part of the ceremonial law, and that Christ had made us free from that yoke of bondage.’¹⁰ Even without clear legislation in place for punishing heresy and blasphemy it was to the civil courts that people instinctively turned with their complaints.

Examples of several of these cases highlight the inadequacies of the existing legal process and civil jurisdiction for dealing with such offenders. The better-known figure Abiezer Coppe, as discussed in chapter four, was imprisoned on 8 January 1650 for his disruptive and blasphemous behaviour and public teaching; as Parliamentary debate over his case in the February illustrated, beyond imprisonment and ordering the burning of his book *A fiery flying roll*, MPs were at a loss as to what exemplary punishment could legally be inflicted on Coppe.¹¹ Spurred to take action by the activities of Ranters like Coppe, MPs began the formulation of an Act against Blasphemy; Coppe himself remained imprisoned from March in Newgate.¹² On 27 September Parliament ordered he be examined again regarding his ‘reputed’ authorship of heretical works.¹³ Although the August Blasphemy Act provided that offenders were not to be ‘punished, impeached, molested, or

⁹ ‘1 October 1647 -- Petition of Samuel Hall, now in custody under the Black Rod.’, calendar of records given in HL/PO/JO/10/1/240, 30 Sep 1647 - 2 Oct 1647, *Records of the Parliament Office; House of Lords; Journal Office; Main Papers*, FROM: *Access to Archives online*; ‘1 October 1647’, *LJ V.9*

¹⁰ Hamilton, A. H. A, *Quarter Sessions from Queen Elizabeth to Queen Anne*, (London: Sampson, Law, Marston, Searle & Rivington, 1878), p. 159

¹¹ As noted in the previous chapter, there was a continuing tradition of harsh punishments in the army for blasphemy; Jacob Bauthomley was court-martialled 11 March, burned through the tongue with a hot iron and cashiered from the army on 14 March for blaspheming

¹² See chapter four

¹³ ‘27 September 1650’, *CJ V.6*

troubled...unless he or she be for the same offence accused, presented, indicted or convicted within six moneths after such offence committed’, by this point Coppe had been imprisoned for eight months. 1 October, being brought before a committee, he reportedly appeared as a madman, talking to himself and throwing fruit and nutshells around the room; the Blasphemy Act applied only to those ‘not distempered with sickness, or distracted in brain’, and whether feigned or not, Coppe was returned to Newgate.¹⁴ Following conferral with John Durie and others 22 June, and persuaded by Marchamont Nedham, Coppe finally produced a sufficient written recantation that procured his release on 28 June 1651.¹⁵

One case that pre-dates the Blasphemy Act is particularly interesting. In March 1650 William Franklin and Mary Gadbury were imprisoned and punished (under terms that would be similar to those provided in the later Blasphemy Act), for proclaiming Franklin to be the Messiah and for claiming not to sin by committing adultery. Humphrey Ellis, minister of Winton (e.g. Winchester), provides a detailed printed account of the proceedings against the pair in *Pseudochristus*, which is also revealing of responses to reports of religious ‘crimes’. He claimed to have been an eye and ear witness to much of what he related, and for the rest derived his information from the Justices or testimony of witnesses.¹⁶ This was however, a pamphlet that produced a sensational account for a polemical purpose; Ellis declared this case to demonstrate the ‘bitter fruits’ that a ‘lawless, boundless Toleration’ of all religions would bring. It is interesting that he presented Gadbury as a recent frequenter of John Goodwin’s and Henry Jessey’s sermons, as both of these Independent ministers were known for their more radical views, and Goodwin particularly for his advocacy of liberty of conscience.¹⁷

¹⁴ Ariel Hessayon, ‘Coppe, Abiezer (1619–1672?)’, *ODNB*

¹⁵ *Ibid*

¹⁶ Ellis, Humphrey, *Pseudochristus*, (1650), pp. 3-4

¹⁷ *Ibid.*, pp. 3, 8

Franklin and Gadbury, and their followers William Woodward, Henry Dixon and Edward Spradbury were presented at the January Southampton Quarter Sessions, held in Winton.¹⁸ Following examination of the accused and witnesses, the followers were bound over to appear at the next Assize; Franklin was committed to gaol as a felon, whilst Gadbury who refused ‘to declare her name or condition’ was sent to Bridewell for correction, where after a week she recanted and signed a confession with a mark and was removed to gaol alongside Franklin.¹⁹ Franklin and Gadbury were presented at the Assizes on Friday 8 March before Justice Rolls, a judge on the Western Circuit. Franklin affirmed his recantation and acknowledged his errors, whilst Gadbury confessed she perceived Franklin differently in the past than presently, but still denied ‘carnal copulation’.²⁰ Upon recanting, Woodward, Spradbury and Dixon being locally ‘acquainted’ offered security and were released from gaol the day they were committed; Ellis reported here a rumour that Woodward’s ministerial living was justly ‘sequestered’. Gadbury was returned to Bridewell and remained there until the Easter Sessions when, petitioning with tears for liberty and publicly acknowledging her errors and wickedness, she was discharged. Ellis informed readers that Franklin, lacking local friends to provide security and having committed such a great crime, remained imprisoned still.²¹

Although the names of these offenders do not appear in the Commons Journal for 1650, and thus their cases do not appear to have directly influenced the Rump, this pamphlet is revealing of the atmosphere in which motions for a bill against Blasphemy was raised. Ellis illustrated that there was inadequate legislation for authorities to proceed against perpetrators of such ‘evil’ opinions, for, had these blasphemers ‘not, together with their blasphemous opinions, fallen into such wicked practises,’ which brought them under

¹⁸ *Ibid.*, pp. 33-34

¹⁹ *Ibid.*, pp. 44-45

²⁰ *Ibid.*, pp. 49-50

²¹ *Ibid.*, pp. 51-53

timely magisterial censure, ‘what the sad effects of these their ways might have been, is easie to be imagined.’²²

Although the Heresy and Blasphemy Ordinance had not technically been repealed, claims to be Christ would not have been specifically covered by its terms in any case. The Ordinance’s validity will be returned to below.

Enforcement of the Blasphemy Act

As chapter four has detailed, publicised cases of blasphemy and licentiousness spurred on the passing of new legislation in August 1650. Once passed however, did the Blasphemy Act resolve the issue of inadequate legal processes by which to restrict heterodoxy? And was it enforced? 27 September 1650, the day the ‘Act for the relief of the religious and peaceable’ was passed, the committee ‘for suppressing licentious and impious practices, under pretence of Religion, Liberty, &c’ reported on Laurence Clarkson’s confession, regarding his authorship and publication ‘of the impious and Blasphemous Book, called *The Single Eye*,’ and production of ‘Mr. *Rainborows Carriages*’.²³ Parliament resolved that Major Rainborow be discharged, and banned from being a JP in England and Wales, and Clarkson was to be ‘kept to labor’ one month in the House of Correction, then banished from the Commonwealth and territories, ‘to return

²² Ibid., p. 54

²³ Rainborow’s book does not appear in either the *English Short Title Catalogue* or on *EEBO*, however Parliament’s order regarding Clarkson and Rainborow was published in print: Parliament, *Die Veneris, 27 Septembr. 1650. Upon report from the committee for suppressing licentious and impious practices, under pretence of religion, liberty, &c. The confession of Laurence Clarkson, touching the making and publishing of the impious and blasphemous book, called, The single eye, and also Mr. Rainborow's carriages*, (1650)

upon pain of Death'.²⁴ This was an irregular sentence, for in accordance with the terms of the recently passed Blasphemy Act, a first offence should have imposed six months imprisonment – a punishment Clarkson received in 1645 for charges of religious heterodoxy, although before either the Heresy Ordinance or Blasphemy Act was passed – and a second offence banishment.²⁵ Reported to have been printed sometime in June, *The Single Eye* was ordered burnt, although a copy was acquired by George Thomason on 4 October 1650.²⁶ Clarkson's banishment was not enforced, and he returned home to his wife, and thereafter 'eked out an existence performing the white witchcraft of the cunning man' in Cambridgeshire and Essex, reputedly converting later to the sect of Muggletonians.²⁷ It is uncertain whether this laxity resulted from sympathy with his views, poor law enforcement, or the dubious legality of Clarkson's sentence of banishment. Rainborow, despite several nominations in the 1650s was denied naval commands by the Council of State; he appears to have regained favour under the restored Rump who appointed him colonel of a Northampton regiment of horse in 1659, though it was never raised.²⁸

Soon after its passing we see the Blasphemy Act being employed against future Quaker itinerants; dated 30 October 1650, a warrant was issued by Gervase Bennet and Nath[aniel] Barton, to imprison at Derby 'George Fox, late of Mansfield, in the county of Nottingham, and John Fretwell, late of Staniesby', for 'uttering and broaching of diverse blasphemous opinions, contrary to the late Act of Parliament; which, upon their examination before us, they have confessed.' They were committed to prison without bail or mainprize, though Fox claimed that he had 'the liberty of walking a mile by myself',

²⁴ '27 September 1650', *CJ V.6*; it is also reported that Rainborow hosted Ranter meetings, and that his punishment resulted from his financing of Clarkson's book. See: Gardina Pestana, Carla, 'Rainborowe , William (fl. 1639–1673)', *ODNB*

²⁵ Lamont, William, 'Clarkson, Laurence (1615–1667)', *ODNB*

²⁶ *Ibid*

²⁷ *Ibid*

²⁸ Gardina Pestana, 'Rainborowe , William (fl. 1639–1673)', *ODNB*

when he would preach to those outside the house of correction.²⁹ It was Bennett who first called Fox and his followers ‘Quakers’ for bidding the Justices to ‘tremble at the word of the Lord.’³⁰ Associating war with the devil, Fox refused a captaincy in the army, offered in exchange for freedom, and remained imprisoned until late 1651, longer than the stated six months.³¹ Fox was also considered in defiance of the Blasphemy Act on several other occasions. In October 1652 Fox and James Nayler were charged with blasphemy in Lancaster, although an unconverted supporter Thomas Fell (whose widow later married Fox), as ‘one of three presiding judges, managed to have the charges dismissed on a technicality’, an indication of the personal level of both accusations and law enforcement/interpretation.³² In February/March 1655 he was conveyed under guard from Leicester to London, in consequence of his travelling and attendance at various meetings and arguing with ministers.³³ However, after an audience with Cromwell on 6 March 1655, where Fox claimed to have made a strong impression on the Protector, he was released.³⁴ We will return to Quakers with the more controversial case of Nayler below.

In addition to the disruption feared by itinerant sectarians like Fox, and the spreading of heretical and blasphemous publications of ‘Ranters’ like Coppe and Clarkson, there was also anxiety over the appearance of mystical and charismatic false prophets and pseudochrists, and their seducing influence (Franklin was linked in the press to earlier seducing figures of the late sixteenth century). For example, the publicised case of self-proclaimed pseudo-messiah John Robins. Robins’ influence is attested to by the claims of

²⁹ Nickalls, *The Journal of George Fox*, Chapter III, pp. 52, 63

³⁰ *Ibid.*, p. 58

³¹ *Ibid.*, pp. 64-65,70

³² Ingle, H. Larry, ‘Fox, George (1624–1691)’, *ODNB*; Nickalls, *The Journal of George Fox*, chapters V-VI, pp. 131-137

³³ Nickalls, *The Journal of George Fox*, pp. 192-193; as Puritan judge Sir Mathew Hale explained, divine inspiration that justified Quakers and others to disrupt public church services was alarming, because: “‘he that today pretends an inspiration or a divine impulse to disturb a minister in his sermon tomorrow may pretend another inspiration to take away his goods or his life”.’ In Cromartie, Alan, *Sir Mathew Hale, 1609-1676 Law, religion and natural philosophy*, (Cambridge: Cambridge University Press, 1995), p. 177

³⁴ Ingle, ‘Fox, George (1624–1691)’, *ODNB*; Nickalls, *The Journal of George Fox*, pp. 199-200

his followers. On 12 June 1651 Elizabeth Sorrel the elder and younger, of Brayntree Essex, and two gentlemen of Boston Lincoln, provided recognizance that both women would appear at the next Westminster Quarter Sessions, on a charge of “averring and meynteineing diverse erroneous damnable and blasphemose opinions against the Holy Trinity.” Recognizances were likewise recorded for the appearances of Thomas Tydford of Frome, Somersett, Margarett Dunlopp of Martins’-in-the Fields, Middlesex, Frances Bedwell of Branyntree, Essex, and Anne Burley of Margarett’s Westminster, Middlesex, who were charged with the same opinions.³⁵ The charges made at this Quarter Sessions became the subject of pamphlet news, sensationalising the above errors in print. *All the proceedings of the sessions of the peace holden at Westminster, on the 20. day of June, 1651*, related that the accused pleaded for mercy on the grounds that they had been led into: ‘most dangerous and damnable errours even to blaspheame against God himselfe thorow the wicked craft, policy, and delusions of the Devill, and that wicked wretch John Robins, and the rest of his wicked confederates’.³⁶

On 28 August 1651, the Commons received report that ‘Garman, now in the New Prison’, affirmed that ‘Robbins is God Almighty, that his Wife is the Virgin Mary, that hath now brought forth a Child, which shall be the Salvation of the Earth’.³⁷ This Garman is almost certainly Joshua Garment a follower of Robins, who is listed in John Taylor’s pamphlet, *Ranters of both Sexes, male and female*, as being one of seven (including Robins) imprisoned at the New prison or Bridewell at Clerken-well.³⁸ A warrant for their arrest from Thomas Hubbert, J.P of Middlesex, dated 21 May 1651, is reproduced in the

³⁵ Jeaffreson, *Middlesex County Records...Vol. III*, p. 204

³⁶ Anon., *All the proceedings of the sessions of the peace holden at Westminster, on the 20. day of June, 1651. Against Thomas Tydford, Elizabeth Sorrell the Elder, Margaret Dunlape, Anne Burley, Frances Bedwell, Elizabeth Sorrell the Yonger, and Thomas Kearby*, (London: 1651 [Thomason date: 24 July]), p. 4

³⁷ ‘28 August 1651’, *CJ V.7*

³⁸ Garment published a tract called *The Hebrews Deliverance at hand*, (1651) whilst imprisoned, see: Hessayon, Ariel, ‘Gold Tried in the Fire.’ *The Prophet Theaurajohn Tany and the English Revolution*, (Aldershot: Ashgate Publishing Ltd, 2007), pp. 193, 157-160

pamphlet, charging them with being ‘great blasphemers’, holding Robins to be God Almighty, unlawful assembly and uncivil conduct.³⁹ The Committee for Plundered Ministers, were charged with investigating this report, and on 9 September 1651 were empowered to send for and examine Garment, Robins, and others as necessary.⁴⁰ This case is also recorded in another pamphlet linking Robins and his followers with Ranters, in *The declaration of John Robins*. In response to questioning over whether Robins thought he was the God that ‘those creatures’, Shakers and Ranters, ‘attributed him to be’, this pamphlet reported that he declared himself to be ‘but a mortal creature as you are, onely I have received many Revelations from the Holy Ghost, and am inspired by the blessed spirit’. Despite this denial, the reported convictions of his ‘followers’ were bound to cast doubt on his honesty, or at least cause deep unease at the blasphemous inferences that could be drawn from his self-revelations.⁴¹ This is another interesting example of how Parliament interacted with a heterodox character whose personal influence and opinions were publicly polemicized in the press. However accurate – or inaccurate – this reportage, sensationalised stories were always presented as being factual evidence. It seems possible that given the press controversy surrounding Robins’ case, that his claims would have cast an even more negative shadow on Nayler’s later claims to an elevated spirituality given by an indwelling deity.

By the nature of law enforcement itself, except for high profile cases where blasphemies came to the attention of the authorities through their propagation in print, denunciation by neighbours or witnesses was necessary in order for prosecution to occur. The evidence from Quarter Sessions and Assize records demonstrates that there were

³⁹ Those listed are John Robins, Joane Garment, Margaret Hollis, Richard King, Joane Robins, Elizabeth Haygood, and Joshua Garment; in Taylor, John, *Ranters of both Sexes, male and female: Being thirteen or more, taken and imprisoned in the Gate-house at Westminster, or the New-Prison at Clerken Well*, (London: 1651 [Thomason date: 3 June]), pp. 2-3

⁴⁰ ‘9 September 1651’, *CJ V.7*

⁴¹ H. G, *The Declaration of John Robins*, (1651, [Thomason date: 2 June]), p. 4

people who were willing to present their neighbours or known persons for blasphemy or atheism. These offences seem mostly to have been expressions of contempt or irreverence rather than concerted efforts to propagate heterodox doctrines. *The Faithful Scout* reported for Friday 17 January 1651, that one Collins and one Reeves were indicted at the last Sessions at the Old Bailey, for having before witnesses denied a deity, and for irreligious and blasphemous speeches. They were sentenced to pay a fine (as Coppin later was), and ‘suffer for this first offence, six moneths imprisonment’. Some part of these speeches was repeated, along with accusations of atheism and Gnosticism, in *The Ranters Religion*.⁴² Two accounts recorded in a calendar of the *Quarter Sessions Records for the County of Somerset*, 1656, reveal local denunciations for doctrinal heterodoxy or interruption of divine service, although the outcome of the accusations is unknown. Thomas Bennett of Huntspill provided information that on 15 November 1656, during conversation about the Scriptures with John Allen, ‘the said Allen’ dismissed the Old and New Testament as ‘fables or as a ballatt [ballad]’, and the necessity for ‘prayer or any other godly excercise’. Furthermore, Allen had claimed ‘let a man live as prophanely as he would he should be saved if he thought himself to be in Christ’, and Scriptures made ‘concerning the late wars’ would be as good as those in the Old and New Testament. Here is clearly outlined the basic tenets of what was understood to be practical Antinomianism, and a conviction that new truths would come to light, underlined by a more radical form of anti-formalism and anti-Scripturalism. The second account reports information given by Robert Brooke (sexton), Richard James (overseer), and Robert Webb (constable) of Shepton Mallet, complaining of ‘the very disorderly conduct of Benjamin Mansell.’ On the last Lord’s Day, Mansell had kept his hat on during the sermon and prayers, and whilst Calderwood, the minister,

⁴² Border, D., (editor), *The faithful scout*, ‘Numb. 4’, (17 – 24 January, 1651), p. 26; Anon., *The Ranters Religion. Or, A faithful and infallible Narrative of their damnable and diabolicall opinions, with their detestable lives and actions*, (London: 1650), p. 8; this is possibly the William Reeve described as a Ranter in, Lamont, William. ‘Reeve, John (1608–1658)’, *ODNB*

prepared to baptize a child, he began a 'violent doctrinal wrangle because the minister had limited the Holy Spirit by speaking by an hour glass', disturbing the whole congregation.⁴³ Here again is demonstrated a disregard for religious and reverent order.

One indictment that seems to include many of the typical features of an attempt to enforce the Blasphemy legislation is recorded for the Quarter Sessions held at Salisbury on 8 January 1656. Here, William Bond and Thomas Hibberd of Lacock were noted as being indicted for atheism and blasphemy, and specifically "not being distempered with sickness or disordered in their brain". Bond was accused of having publicly professed no God ruled the planets; there was no Christ other than the sun; the twelve patriarchs were but twelve houses; that "Tom Lampire of Melksham would make as good Scriptures as the Bible"; heaven and hell existed only "in a man's own Conscience, for if he had a good fortune and did live well, that was heaven, and if he lived poor and miserable, that was hell, for then he would die like a cow or horse." Hibberd reputedly claimed that God was in all things, and that God was author of, or acted, whatever sins he committed, and further that he would sell all religions for a jug of beer. Probably in reference to the above, the Grand Jury presented on 8 July that "there are many evil spirited people which do wander about spreading many evil and dangerous opinions to the dishonour of God and the blaspheming of his name".⁴⁴ In Bond and Hibberd's case the magistrates are careful to ensure their indictment closely follows the terms of the Blasphemy Act; they pointedly state the accused are sound in body and mind, and their specific charges were related to the existence and attributes of God. Bond implicitly denied the Scriptures to be the holy Word of God and explicitly rejected the literal existence of heaven and hell, whilst Hibberd

⁴³ '50', and '52', of Roll 93, Part 1, the 'Callendar of Sessions Rolls, 1656', in Bates, E. H, (ed.), *Quarter Sessions Records for the County of Somerset, Vol. III, Commonwealth, 1646-1660*, (London: Harrison & Sons, 1912), p. 291

⁴⁴ Cunnington, B. Howard, *Records of the County of Wiltshire Being extracts from the Quarter Sessions Great Rolls of the Seventeenth Century*, (Devizes: George Simpson & Co, 1932), p. 231

expressed pantheistic claims, denied responsibility for sin and irreverently placed higher value on a jug of beer than religion.

These atheistical, mystical, pantheistic and Antinomian trains of thought were seemingly not isolated cases. At the Bristol Sessions of the Peace held on 17 February 1656/7, the examination of one Thomas Peacock was recorded in an anti-Quaker pamphlet, for the expression of blasphemies and curses. His claims during examination included ‘That he did not sin, neither could he sin’; ‘that God was the Authour of all sin’; and ‘That God and the Devil were Brothers’. Peter Poulston and Humphrey Wall deposed that: ‘a Company of Anabaptists and Quakers sitting together,’ speaking ‘abominable filthy’ of God and Christ like ‘that great Blasphemer *Peacock*’, one of whom ‘when they were speaking of God, [to speak as modestly as I can] broke wind, and said, there goes your God.’⁴⁵

For many of the cases where details were recorded (mostly those in print) there were clear attempts to link blasphemous tenets with licentious and scandalous behaviour; this ungodly behaviour was strongly attacked, and used to strengthen justification for punishment. However, in those cases where accusations did not result from irreligious behaviour, the pattern appears to emulate that of prior accusations made against heresy, in that there appears to be a personal element involved in the process leading up to accusation. It is interesting therefore in those cases where the punishment is not meted out for the blasphemy itself, as with reports for two Quakers who had travelled from the ‘North’, and were preaching in Plymouth in May 1655. Thomas Salthouse and Miles Halhead were charged under the Ordinance of 29 June 1654, ‘for preventing of Duells...’

⁴⁵ Grigge, William, *The Quaker's JESUS: OR, The unswadling of that Child James Nailor, which a wicked Toleration hath midwiv'd into the World.* (1658), pp. 51-52

rather than under the Blasphemy Act.⁴⁶ According to the 1656 pamphlet *The Wounds of an Enemy in the House of a Friend*, a friend from Bristol appealed to John Page, Mayor of Plymouth, for the grounds of their imprisonment. Page responded that Salthouse and Halhead were committed firstly for having denied the Trinity (which Salthouse and Halhead subsequently refuted in writing), and secondly for refusing to take the Oath of Abjuration of Popery (they wrote in response that they considered oaths unlawful, but denied being Papists). They were finally charged with neither Blasphemy nor Popery but with being ‘*disturbers of the publick peace,*’ and misdemeanours against a recent proclamation ‘*prohibiting the disturbing of Ministers, and other Christians in their assemblies and meetings,*’ and a recent ordinance of the Protector against ‘*Duels, and challenges, and all provoking thereunto*’.⁴⁷

The court decided on a fine of five pounds each and committed them to the House of Correction until they paid and found sureties for good behaviour; for refusing the oath their estates in the North would be seized according to the proclamation. Hamilton notes that they were ‘kept in the Bridewell more than a twelvemonth, and were still there when the pamphlet was written.’⁴⁸ This is an interesting case that clearly represents the attempts of particular Devonshire magistrates to restrict the propagation of the Quaker message and Quaker activities. As Alexandra Walsham points out, Quakers were also reviled in print

⁴⁶ ‘The Trial of Two Quakers in the time of Oliver Cromwell’, in Hamilton, A. H. A, *Quarter Sessions from Queen Elizabeth to Queen Anne, Illustrations of local Government and History drawn from Original Records (chiefly of the county of Devon)*, (London: Sampson, Low, Marston, Searle, & Rivington, 1878), pp. 315-316

⁴⁷ Halhead, Miles, *The Wounds of an Enemy in the House of a Friend, being a relation of the Hard Measure sustained by Miles Halhead and Thomas Salthouse for the Testimony of Jesus; particularly in a long, and sore, and close imprisonment, first at Plymouth, and then at Exeter, in the county of Devon, though they have neither offended the Law of God or of the Nation*, (1656), pp. 5-6

⁴⁸ ‘The Trial of Two Quakers in the time of Oliver Cromwell’, pp. 318-319

being connected with Popery and Witchcraft, and in some cases were formally accused of bewitchment.⁴⁹

A later example of prosecution is the case of Francis Ellington at the Northampton Quarter Sessions, which illustrates the care that came to be taken in the framing of charges of blasphemy. On 4 April 1657 ‘*John Branson* cardwinder and *John Lane* labourer’ of Burton Lattimer presented Francis Ellington of Wellingborrow for uttering ‘blasphemous words’.⁵⁰ The jurors gave Lane’s evidence, that on 29 March discoursing ‘of the great and Almighty God’, Ellington, ‘[beinge] not distempered in sicknes or distracted in braine’ blasphemously said: ‘confounded bee thee, meaninge the said John Lane, and thy God meaning the said Almighty God, and I [meaninge himselfe] trample thee, meaninge the said John Lane, and thy God meaninge the Almighty God under my feete’. Whereby they declared that Ellington at that time did ‘deine [deny] and blaspheame the said Almighty God contrary to the forme of a statute in that case made and provided and against the publick peace.’ The laborious way in which this charge is made indicates a strong concern to demonstrate the exact meaning of Ellington’s words and his blasphemous intent. This statement is noted as having been sworn in court and considered ‘A trew bill’.⁵¹ Under the Michaelmas Sessions for 1657, it is noted that the jurors before John Maunsell, Sheriff, found Ellington guilty.⁵² Ellington’s case is finally recorded under ‘Acts at the Generall sessions’ of the peace ‘held at the castle of Northampton’, the Tuesday and Wednesday following the feast of St Michael. Item 26 recorded that Ellington appeared to answer an indictment for blasphemy, and ‘upon tryall was found guilty’; he was ordered to be

⁴⁹ Walsham refers to a case where depositions ‘made against a Cambridge widow in 1659 told how she had been transformed into a bay mare and ridden by two other Friends to a ritual feast at Madingley Hall.’ Walsham, *Charitable Hatred*, pp. 149-150

⁵⁰ [273.], under ‘Abstracts of Recognizances’, of ‘File 2. Easter 1657’, in Wake, Joan, (ed.), *Quarter Sessions Records of the County of Northampton. Files for 6 Charles I & Commonwealth (A.D. 1630, 1657, 1657-1658)*, (Hereford: Hereford Times Limited, 1924), p. 111

⁵¹ [347.], under ‘Indictments’, of ‘File 2. Easter 1657’, in *Ibid.*, p. 136

⁵² [488.], under ‘Jury Lists’, of ‘File 3. Michaelmas Sessions 1657’, in *Ibid.*, p. 186

committed ‘to the house of correction for ye space of six monethes’ and until he provided sureties for good behaviour for one year.⁵³

Contested proceedings under the Blasphemy Act: 1651-57

A more thorough reading into prosecutions under the Blasphemy Act reveals that these were not always straightforward or uncontested, and that the nature of appeals against proceedings often shifted after the Instrument of Government was proclaimed. Ariel Hessayon outlines in some detail, how Theauraujohn Tany (a self-proclaimed prophet) and Robert Norwood, two charismatic sectaries, were accused of expounding blasphemies to large groups of people on 13 April 1651 in Norwood’s London house, and again on 1 June 1651.⁵⁴ Following what was clearly an unsatisfactory confession of faith on 2 April, Norwood was excommunicated from Sidrach Simpson’s gathered church in St. Mary Abchurch for impenitence.⁵⁵ Summoned before Cromwell Norwood was urged by Joseph Caryl and John Owen to recant, but he refused. In June 1651 he was brought before the Bench of the Sessions of the Peace in the Old Bailey, and accused of having maintained “‘That the soul of man is of the essence of God, and That there is neither heaven nor hell but what is here’”. Re-appearing at the next Sessions he found the indictment had been expanded upon and ‘prepared jointly against himself and Tany.’ On 25 June 1651 they pleaded not guilty, and were appointed a trial by jury at the next

⁵³ [491.], and [491: 26.], under ‘Acts of the Court’, of ‘File 3. Michaelmas Sessions 1657’, in *Ibid.*, pp. 187, 193

⁵⁴ Baptized Thomas Totney, see: Hessayon, ‘*Gold tried in the fire*’, p. 1

⁵⁵ Hessayon suggests that in addition to Norwood’s blasphemous expressions, proceedings against him by members of the congregation may also have been motivated by a commercial feud. See: Hessayon, ‘*Gold tried in the fire*’, p. 208

Sessions.⁵⁶ Norwood produced a pamphlet in his defence exclaiming that if the sword were a ‘means to discover light, or convince of error’, then ‘lets burn our Books and Bibles, &, never more talk of the Sword of the Spirit’. He claimed to have been falsely reported and interpreted, and Lord Mayor Andrews who issued his arrest warrant possessed the greatest ‘antichristian spirit, cloked with the name of Christ’; he compared Andrews to Bonner, the infamous Marian persecutor of Protestants.⁵⁷ Their case would have been weakened as Tany had previously been examined before the Westminster Assembly 6 March 1651, nine days after printing his treatise, *THEAURAJOHNS His Aurora*, which as Hessayon points out shows how seriously the Commonwealth viewed the disseminating of blasphemy. Hessayon concludes the Assembly did not understand Tany’s doctrines, dismissing them as ‘whimsies’ and accounting him mad.⁵⁸ Though, clearly not mad enough to forgo prosecution under the Blasphemy Act!

Fifteen charges were made against Tany and Norwood, though Hessayon concludes that both indicters and accused must have known that only two of these – that both men affirmed that human souls were the essence of God and denied hell and damnation – ‘fell within the scope of the Blasphemy Act’. In their own accounts, both defendants protested their words had been taken out of context; Norwood complained that appearing at a Sessions of the Peace as summoned, ‘I found an Indictment drawn against me, with much addition of words, and them laid down in another form then before, and much different from my true sence and meaning.’⁵⁹ On 13 August 1651 they were found guilty by the

⁵⁶ Ibid., pp. 203-205

⁵⁷ Norwood, Robert, *The Form of an Excommunication, made by Mr. Sydrack Sympson, Head of one of the SCHOOLS of learning in Cambridge, Head of a Church in London: Against Capt. Robert Norwood, Examined and Answered*, (dated by Thomason, 9 June 1651), Epistle Dedicatory, sig. a3r.; p. 22

⁵⁸ Hessayon, ‘*Gold tried in the fire*’, p. 205

⁵⁹ Norwood, Robert, *The case and trial of Capt. Robert Norwood, now prisoner in New-gate, truly and impartially stated, and published for satisfaction of my allied friends, and very many others desirous thereof. Together with some observations upon the law and its professors, very worthy a most serious consideration.* (1652), p. 4

jury, and sentenced to six months imprisonment in Newgate without bail or mainprize.⁶⁰

Tany prepared a printed defence (dated by Thomason for this same day), arguing that Christ himself and the Apostles were persecuted ‘even unto death’ by the ‘dark world’; it was the Gospel within that caused him to ‘act strangely’ and his actions should be judged against their truth. If, he warned, he were condemned for blasphemy: ‘I say that then my blasphemy is holiness, and you are found blasphemers with your high cry of holiness.’⁶¹

Despite Norwood’s efforts to secure a repeal of their sentence by serving a writ of error against the legal proceedings, and publishing printed accounts in his own defence, they served the full sentence and were released on 16 February 1652.⁶² On 28 January 1652 Norwood presented a writ of error at the Court of Upper Bench, where amongst other complaints against the propriety of legal proceedings, he objected that the opinions he was accused of were not phrased exactly in accordance with the errors defined in the Blasphemy Act. Therefore, he argued he could not be convicted under it. Following release Norwood prosecuted a new writ of error at Easter in the Court of Upper Bench, and after multiple hearings, on 28 June 1652 it was decided “‘the court cannot take the Letter of the Statute, by Logical Inferences”” and the judgement was ordered to be reversed.⁶³ In other words, what Norwood and Tany had spoken logically implied the blasphemies covered by the Blasphemy Act, but did not align exactly, and should not be expanded beyond what they had said to make their expressions – and meanings – fit those of the Act. The judges were wary of setting a precedent, and rather than dealing with ‘theological technicalities’ their task was ‘to adhere to the strict letter of the law.’ The reversal of the judgement in this case manifested ‘the ambiguous relationship’ between the Blasphemy Act, and ‘the

⁶⁰ Hessayon, ‘*Gold tried in the fire*’, p. 205-208

⁶¹ Tanni, Theaurajohn, (Tany, Thomas), *Theaurajohn his Theous ori Apokolipikal: or, God’s Light declared in mysteries*, (1651: [Thomason date 13 August]), pp. iii-iv

⁶² Norwood, Robert, *A BRIEF DISCOURSE made by Capt. ROBERT NORWOOD on Wednesday last, the 28 of January, 1651. In the Upper-Bench-Court at WESTMINSTER; With some arguments by him then given, in defence of himself...*, (1652: [Thomason date: 1 February])

⁶³ Hessayon, ‘*Gold tried in the fire*’, pp. 206-209, 211-215

supposed errors of doctrine propagated on the streets and public places of London.’

Hessayon concludes that Tany and Norwood were convicted by a process of inferring and taking their words out of context to make their opinions ‘conform to the strictures of the Blasphemy Act’.⁶⁴ This is a significant decision in legal terms, as it potentially allowed for a defence against rival ministers of differing doctrinal persuasions subverting the terms of the Act; it suggests a more widespread concern over where the Blasphemy accusations would end if the Act’s definitions of Blasphemy were interpreted in a looser sense.

This uncertainty over definitions of blasphemy and legal proceedings against it is further demonstrated by additional evidence of challenges to accusations. There is an interesting draft of a letter from the Mayor William Bennett of Chester, Randle Holme and John Johnson written to an unknown recipient in 1652/3. It contains copies of several examinations of an Edward Spanne of Chester, who had been charged with ‘many horrid blasphemies and foul misdemeanours’ and imprisoned until he had brought sureties to the next Quarter Sessions. Spanne apparently on his release sought redress in London for his imprisonment, first from Cromwell who dismissed him, and then from the Common Law serving several of his accusers with writs to appear in the Exchequer in Westminster. The letter pleaded that if Spanne made unwelcome noise against them for committing him, the examinations would be produced in their justification; they further asked their recipient to attempt to have Spanne punished, “‘or at least that his hellish mouth bee stop’d””, as it was likely that their hands would be tied by certioraris and habeas corpuses.⁶⁵ It is evident from this that accusations of blasphemy could backfire, and the concern of Bennett, Holme and Johnson that Spanne could potentially discredit them for false imprisonment, suggests the

⁶⁴ Ibid., pp. 214-215

⁶⁵ Cheshire and Chester Archives and Local Studies Service, [available online], ‘Mayor’s Letters ZM/L [n.d.]’, ‘ZM/L/3/352 [1652-3]’

level of ambiguity and uncertainty that clearly surrounded methods of dealing with religious heterodoxy by this point.

The case of John Pordage illustrates a history of charges of heterodoxy which fed into proceedings against him in 1654. On 16 August 1649 Pordage had been summoned to appear at Reading before the Committee of Berkshire, charged with blasphemy against the deity of Christ; although accused a second time, upon investigation he was acquitted and discharged by Gilbert Millington from the Committee for Plundered Ministers, 27 March 1651.⁶⁶ Amongst those he entertained at his Bradfield Parsonage were Richard Coppin (later imprisoned for blasphemy), (reputedly) Abiezer Coppe, William Everard (later sent to Bethlem hospital, 19 March 1651, being considered mad), and John Tany (an eccentric radical).⁶⁷ Pordage, in proceedings beginning 18 September 1654, was charged yet again with articles of blasphemy and scandal by several ministers and parishioners, including on 7 December 1654 an accusation under oath, of blasphemy by John Tickle minister of Abingdon, his accuser in 1649. Ministers were to be deemed scandalous or insufficient, if they held or maintained 'blasphemous, or atheistical opinions,' punishable by the Blasphemy Act, or were guilty of popery, ungodliness, using the Prayer Book, or neglecting their duties.⁶⁸ Articles included: the union of the believer's flesh with 'the Fiery Deity of Christ'; denial of the efficacy of Christ's imputed righteousness; liberty and freedom purchased by Christ's blood was not freedom from 'guilt of sin, the curse of the law, the wrath of God', but Christ's Fiery Deity in our souls; that in Genesis, by male was meant 'the Deity' and by female 'the Humanity' which became one flesh; 'gifts and graces of the Spirit are but flesh'; that Christ is only a type, and is not God; one mistress Lewyn

⁶⁶ A copy of the discharge is included in Pordage, John, 'Proceedings of the Commissioners, appointed by Oliver Cromwell, for ejecting Scandalous and Insufficient Ministers, against John Pordage, of Bradfield, in the County of Berks; 6 CHARLES II. A.D. 1654', in: Howell, Thomas. B., (ed.), *Cobbett's Complete State Trials. 1650-1661. Vol. 5*, (London: R. Bagshaw, 1810), p. 544

⁶⁷ Hessayon, 'Gold tried in the fire', pp. 195-200

⁶⁸ 'An Ordinance for ejecting scandalous, ignorant and insufficient ministers and school-masters', passed 28 August 1654, cited in: Pordage, 'Proceedings of the Commissioners,' p. 630

also accused Pordage of having maintained the ‘unlawfulness of having children by her husband.’⁶⁹ These articles implied a spiritualised, perfectionist strain of thinking that opposed a more literal reading of Scripture.

In his account of proceedings, Pordage accused the court of having pre-determined his guilt before hearing his case or witnesses, and he contrasted a portrayal of his own Christian submission with his accusers’ malice, claiming the Lord had given him a peaceful conscience though his enemies ‘railed against me in their pulpits’. He cites page 22 of the printed sermon of Simon Ford who preached at the Reading Assizes, 28 February, when Pordage was sentenced. Ford claimed that one of the ‘most eminent church-livings in the county’ was ‘possessed by a blasphemer, and in whose house the devil is as visibly familiar, as any of the family’, and asked whether this beast’s horns shall ‘never be pared off by the civil magistrate?’ Pordage complains that he was branded a conjuror and blasphemer and the magistrates excited against him, by the same man chosen by the commissioners to speak in court before sentence was passed.⁷⁰ This case was thus publicised in the press by both accused and accuser; the appeal to print on both sides served different purposes, on the one hand to warn against seducing blasphemers, and on the other to attempt to vindicate a damaged reputation.⁷¹ On 8 December 1654, six commissioners and several ministers declared that ‘Dr. Pordage is ignorant, and very insufficient for the work of the ministry’, and he was ordered to be ejected from the Bradfield rectory and its profits.⁷²

Throughout his printed defence, Pordage displayed considerable legal knowledge which he employed in an attempt to exploit the gaps and ambiguities in the religious

⁶⁹ Pordage, ‘Proceedings of the Commissioners,’ pp. 542-544, 549-550

⁷⁰ *Ibid.*, pp. 579-580, 582, 613; for Ford’s sermon see: Ford, Simon, *Primitiae regiminis Davidici., or, The first-fruits of Davids government*, (1654)

⁷¹ Pordage’s account appeared in print as: Pordage, John, *Innocencie appearing, through the dark mists of pretended guilt*, (Thomason date: March 5, 1654)

⁷² *Ibid.*, pp. 629-630

legislation. Although he was ejected, it must be noted that despite accusations of blasphemy he was not in the event convicted under the Blasphemy Act, which suggests that the validity of his objections was recognised. Pordage attacked the proceedings as unjust: his objections included being indicted a second time for an offense he had been discharged from in 1649 (before the Act was passed) – the Act gave authority over offenses only up to six months after they were committed; the evidence was unreliable, and witnesses and prosecution twisted the intended sense of his words; the worst charges against him ‘cannot justly be brought within the cognizance of that act, according to the literal and genuine scope of it ; being chiefly made against the principles of those called Ranters.’; also, ‘the act of general pardon doth clearly take away all legal guilt from things done or spoken before 1651’; and, three of the judges’ assistants should have been disqualified from assisting and voting, ‘one being my accuser, the other two witnesses against me’. It would appear that as with Norwood’s case, alongside the blasphemy and scandal charges, there were underlying tensions between Pordage and other local ministers. (This fits in with the earlier seventeenth century patterns of denunciation noted by Como and Lake.)⁷³

Another case, which appeared in both local court records and in the press, was that of Richard Coppin. Coppin produced a lengthy printed version of four days of disputes in December 1655, held with several ministers in Rochester Cathedral, Kent, predominantly Walter Rosewell ‘then a preacher at Chatham’. He had this printed ‘From my Prison-house at Maidston in Kent, Feb. 12’ 1657. Accusations of blasphemy during these disputes rested primarily on his metaphorical interpretation of Scripture. Particularly, his articulation of a spiritual heavenly kingdom and resurrection; his views on the human nature of Christ;

⁷³ Pordage, ‘Proceedings of the Commissioners,’ pp. 626-628; see: Como, & Lake, “Orthodoxy” and Its Discontents: Dispute Settlement and the Production of “Consensus” in the London (Puritan) “Underground”, pp. 34-70

deliverance from sin and hell; and the offer of salvation to all, all of which differed extensively from Rosewell's Calvinist and Predestination orthodoxy.⁷⁴ His case is recorded only briefly in the Maidstone Assize records, noting that before Judges of the Common pleas (or upper bench) Richard Aske and Peter Warburton, on 17 March 1657, Richard Coppin a prisoner at this time of Gaol Delivery, was 'committed by Thomas Kelsey, John Parker, Charles Boules and Robert Watson, Jps, for maintaining atheistical and blasphemous opinions'. He appeared again before Judges Mathew Hale and Peter Warburton, at the Maidstone Assize of 7 July 1657, where he was committed 'until he payes his fine and finds sureties for good behaviour'.⁷⁵ This is interesting as a punishment as neither the Heresy Ordinance nor the Blasphemy Act set forth fines as a penalty; fines were more common as a Medieval punishment.

A letter from Major General Thomas Kelsey to Cromwell detailed that he received a complaint whilst at Maidstone 'from severall honest men' against 'Coppin of Rochester, for preaching and maintaining severall blasphemous tenants, saying Christ's humane nature was defiled with sinne, and that he offered sacrifice for his owne sinnes, as well as for the peoples, and that all men showld be saved; denying hell or heaven to be any other than what was within him; and many such damnable tenants'.⁷⁶ This sounds remarkably similar to the accusations made in Rosewell's pamphlet, where he also denounced Coppin as 'a pestilent emissary of hell', and claimed humble contentment that God had allowed him the honour of preventing Coppin displaying a 'banner for the devil in *Rochester Cathedrall*'. However, although he approved of Coppin's denunciation, Rosewell claimed he was not

⁷⁴ Coppin, Richard, *A blow at the serpent; or a gentle answer from Madiston prison to appease wrath advancing it self against truth and peace at Rochester*, (1656), pp. 1-78

⁷⁵ Cockburn, J.S, (ed.), *Calendar of Assize Records Kent Indictments 1649-1659*, (London: Her Majesty's Stationary Office, 1989), 17 March 1657 Assizes 35/97/5, '1283', p. 233; 7 July 1657 Assizes 35/98/6, '1456', p. 267

⁷⁶ 'State Papers, 1656: January (9 of 9)': 'Major general Kelsey to the protector', *A collection of the State Papers of John Thurloe, volume 4: Sept 1655 - May 1656* (1742), pp. 474-488

the informer against this ‘Jesuited familist’.⁷⁷ Coppin had attracted many followers including many of the soldiers and some officers, wherefore Kelsey met with a sergeant Parker and some other JPs at Rochester, and upon investigation ‘and finding the things charged against him was testified by several witnesses, did comitt him to the goale’. He cautioned however, that many ‘scandalows professors,’ who had left the worship and services of God and readily follow anything evil were ‘ready to cry out for liberty of conscience, and are not backwark to say it's persecution wors then in the bishops time’. He presented Cromwell with this ‘true’ account (implying perhaps he may have heard others), and his humble recommendation ‘that he may be sent out of the land, as yow have done Beedell’. For Biddle’s case, see below.⁷⁸ This serves as a useful illustration of how the Major Generals (whose rule was proclaimed 31 October 1655), attempted to enforce ‘orthodoxy’ and maintain order, but also of the anxieties over popular remonstrance against harsh treatment of those accused of heterodoxy.

It is clear from his printed account that Coppin understood his own words in a different sense to that which they were taken by his accusers. He claims to have been unfairly imprisoned without a formal hearing, despite claiming to be innocent under the Blasphemy Act, and significantly under the Instrument of Government. As we see with responses to Biddle’s treatment, an appeal to the liberty offered in the Instrument became the focal defence of those charged with blasphemy or heresy. Coppin presented his own carriage in martyred terms of passivity, charity and humility, enduring his unjust conveyance to prison ‘with so much joy, and chearfulness, as ever I had in any thing in my life,’ according to ‘the sum of my doctrine... if I goe to the ends of the earth thou [God] art

⁷⁷ Rosewell, Walter, *The Serpents Subtilty Discovered or A True Relation of what passed in the Cathedrall Church of Rochester between divers Ministers and Richard Coppin to prevent Credulity to the false Representation of the said Discourse published by the said R. Coppin from Maidstone Goal*, (London: 1656), p. 15

⁷⁸ ‘State Papers, 1656: January (9 of 9)’: ‘Major general Kelsey to the protector’, *John Thurloe, volume 4: Sept 1655 - May 1656*, pp. 474-488

there also.’⁷⁹ As this was considered the proper Christian response to suffering for propagating the Gospel, and as persecution was associated with opposition to the truth, it is predictable that his self-representation is one of forgiving, submissive suffering, as was that of George Fox in his diary, and later, of James Nayler. This shared attitude is not however, necessarily a proof of their insincerity.

Complaints of unfair accusations by those accused are possibly not wholly unjustified in one sense; certainly, according to an ‘orthodox’ Reformed interpretation of Scripture their views were heterodox. However, because of the specific and prescriptive nature of the offences listed in the Blasphemy Act, and after 1653 the Instrument’s offer of protection to those professing faith in God through Jesus Christ, it could be argued that the offences some ‘blasphemers’ were being charged with did not fall within the compass of the Blasphemy Act. This argument was certainly used to strengthen the defence against charges of blasphemy in the accounts of the examinations of John Pordage, Richard Coppin, Robert Norwood, and John Biddle (see below).

Attempts to restrict liberty of conscience in the Rump

The proliferation of such troubling and publicised cases, which challenged the jurisdiction of the Blasphemy Act, highlighted its limitations and led to renewed discussion about heresy, blasphemy, and orthodoxy, in Parliament. As noted in the previous chapter discussion of the Heresy Ordinance was recorded for 20 September 1650 and 8 October 1651 in the Commons. Also on 8 October 1651 a bill for the Propagation of the Gospel

⁷⁹ Coppin, Richard, *A blow at the serpent; or a gentle answer from Madiston prison to appease wrath advancing it self against truth and peace at Rochester*, (1656), pp. 79-83

was ordered to be brought in that day and its amendments reported.⁸⁰ Upon 15 October 1651, as reported by *Severall proceedings in Parliament*, the House sat all day debating amendments to ‘the Bill for the Propagation of the Gospell and maintenance of Ministers throughout the whole Nation.’⁸¹ This evidence lends support to Blair Worden’s contention that by ‘the spring of 1652 the pressure on parliament to take a firm stand against religious radicalism had become formidable.’⁸² It seems apparent that the passing of the Blasphemy Act had not dissipated concern over doctrinal error, and although accusations of heterodoxy tended to be couched more commonly in terms of blasphemy rather than heresy, a number of mainstream ‘orthodox’ ministers expressed the desire to further narrow what was to be considered godly and tolerable, by prescribing a positive set of doctrinal articles in addition to the specific but limited negative doctrines/opinions denounced under the Blasphemy Act. Conversely, as Worden emphasises, translating liberty of conscience for the peaceable into practice was awkward, for when propagation of the Word was a duty, to divide belief and practice was to create a false distinction. Attempts to restrict liberty remained problematic throughout the 1650s.⁸³

On 10 February 1652, John Owen and a number of other ministers approached the Rump, with ‘The humble Petition of divers Ministers of the Gospel’ against a Latin publication of the Socinian work *The Racovian Catechism*, along with ‘Proposals for the Propagation of the Gospel’, which was referred to a committee on the next day. The *Catechism* was referred to a committee headed by Gilbert Millington, who gave a lengthy

⁸⁰ ‘8 October 1651’, *CJ V.7*

⁸¹ ‘Wednesday 15 October. 1651’ in Ibbitson, Robert, (publisher), *Severall proceedings in Parliament*, ‘Numb. 107’, (9th-16th October 1651), p. 1656

⁸² Worden, *The Rump Parliament*, p. 294

⁸³ Worden, Blair, ‘Toleration and the Cromwellian Protectorate’, in Sheils, W. J, (ed.), *Studies in Church History*, 21, *Persecution and Toleration*, (Blackwell, 1984), pp. 214-215

report on 2 April 1652 of the ‘principal blasphemous Errors’ it contained.⁸⁴ The verdict of the House was that it be burned at the Old Exchange and New Palace.⁸⁵ Closely connected with the concern of many orthodox ministers to suppress errors and blasphemy, *The humble proposals of Mr. Owen, Mr. Tho. Goodwin, Mr. Nye, Mr. Sympson, and other ministers...for the furtherance and propagation of the Gospel in this nation*, dealt largely with the problems and disputes over maintaining the public ministry, proposing that godly un-ordained laymen could also, through a careful restrictive procedure, be allowed to preach. Although as Polizzotto points out, this remained weighted in favour of ordination through the process of approval, it was still more flexible than the outline for Presbytery of the 1640s.⁸⁶

A year later the Proposals were read out for discussion in Parliament. These included setting out measures for ensuring the ability and godliness of ministers; defining the duties of approved ministers for the winning of souls; and insisting nobody should be compelled against their ‘Light’ to receive the Sacraments, nor should parish clergy be compelled to administer the Sacraments to those they deemed unfit. The tenth proposal pressed for a law to require all persons to attend ‘publick Preaching of the Gospel, and other religious Exercises’ every Sunday, ‘in Places commonly allowed, and usually called Churches,’ unless they abstain by ‘Scruple of Conscience’; such exemption would not extend however to profane or wicked employment during this time.⁸⁷ Carolyn Polizzotto argues that this was a contentious clause as it seemed to indicate a regression from the

⁸⁴ That active member of the Westminster Assembly who had chaired the committee concerned with Paul Best’s case, another Socinian-influenced anti-Trinitarian. Millington was chairman of the Committee for Plundered Ministers, see, Worden, *The Rump Parliament*, p. 127

⁸⁵ The book is identified as such by Mortimer, *Reason and Religion in the English Revolution*, p. 196; Worden, *The Rump Parliament*, pp. 296-297; ‘2 April 1652’, *CJ V.7*

⁸⁶ Polizzotto, Carolyn, ‘*The Campaign against The Humble Proposals of 1652*’, *Journal of Ecclesiastical History*, Vol. 38, No. 4, (October 1987), p. 573

⁸⁷ In a similar vein to the later Triers and Ejectors, proposal six suggested appropriate ‘Approvers’ should follow the six circuits. ‘11 February 1653’, *CJ V.7*

freedom allowed in the 1650 ‘Act for the relief of the religious and peaceable’, holding out the threat of more restrictive legislation.⁸⁸

These conditions were expanded upon in a further three (controversial) proposals that the committee had resolved not to report, but which the MPs insisted on hearing. Of these, the twelfth stipulated that all who dissented to the State ‘Doctrine and Way of Worship’, or ‘consenting thereunto’ yet lacking the use of ‘the Publick Meeting-Places, commonly called Churches’, and who met regularly would give notice to ‘some Magistrate’ and gather only in a public place. The thirteenth proposal, of most significance here, argued for the establishing of a basic ‘Christianity’ founded upon a set of agreed fundamental doctrines. Against these ‘Principles of Christian Religion’, without acknowledgment of which Scriptures ‘plainly affirm’ salvation cannot be obtained, nobody would be ‘suffered to preach or promulgate any thing in Opposition’.⁸⁹

The Proposals demonstrate an attempt to both allow for local flexibility in the appointing of preachers in keeping with the ‘Civil Rights and Privileges of each Parish’, whilst also screening out and ejecting the unsuitable (i.e. ungodly).⁹⁰ It is also interesting that the proposals are careful to refer to ‘Assemblies’ in ‘places commonly allowed’, which are ‘usually called Churches’, which appears to be displaying a sensitivity to more radical understandings of what a, or more accurately, ‘the’ Church really was. Promoting the evangelising of the nation and allowing exclusion from the sacrament were also particular concerns of the ‘godly’, whilst the emphasis on approval of preachers and ministers via Parliament, and insistence on the need to restrict anyone opposing a list of fundamental doctrines, was a continuance of the magisterial reformers’ commitment to the negative (or restrictive) power of the magistrates.⁹¹ These measures would also have enforced

⁸⁸ Polizzotto, *The Campaign against The Humble Proposals of 1652*, pp. 573-574

⁸⁹ The fourteenth proposal related to suppressing astrological predictions. ‘11 February 1653’, *CJ V.7*

⁹⁰ Proposal 7, ‘11 February 1653’, *CJ V.7*

⁹¹ ‘11 February 1653’, *CJ V.7*

restrictions on those not attending parish services (strengthening the 1650 Act for the keeping of the Lord's Day), keeping stricter tabs on separatist congregations, and also, would have demanded agreement (or at least silent disagreement) to a list of Fundamentals in faith. This would have allowed for an expansion of the magistrates' restrictive power in a far more intrusive way than previously. The efforts to implement the Proposals illustrate a continued commitment to attempting the establishment of Reformed orthodoxy.

The humble proposals of Mr. Owen, Mr. Tho. Goodwin, Mr. Nye, Mr. Sympson, and other ministers...for the furtherance and propagation of the Gospel in this nation, was printed March 1652. It began with a heading stating that additional 'Propositions' were tendered to the 'Committee for propagating the Gospel', for the supplying of 'able, godly, and Orthodox Ministers', settling churches, and prevention of open publication of errors and blasphemies in assemblies and meetings. The propositions included giving Sheriffs the role of informing a Parliamentary committee about vacancies and unemployed ministers, and also who was orthodox. In order to prevent 'persons of corrupt judgements' from propagating errors and blasphemies in assemblies and meetings, it also proposed that 'every Pastor of each right Constituted Church,' testify to the orthodoxy of every member of his fellowship and their ability in his judgement to speak publicly. Only these and ministers would be permitted to address assemblies and meetings 'under pain of penalty'; furthermore, gatherings should be censored by an orthodox and approved overseer.⁹²

In his later *Proposals for the furtherance and propagation of the gospel in this nation*, Owen expanded on the thirteenth proposal by expounding sixteen fundamental principles of the Christian faith. Worden argues that these were intended to exclude certain beliefs from 'toleration', and were 'much stiffer and tighter than those alternative models—

⁹² Owen, John, *The humble proposals of Mr. Owen, Mr. Tho. Goodwin, Mr. Nye, Mr. Sympson, and other ministers, who presented the petition to the Parliament, and other persons, Febr. 11. under debate by a committee this 31. of March, 1652. for the furtherance and propagation of the Gospel in this nation*, (1652: [Thomason date: 31 March]), pp. 1-2

the Apostles' Creed, the Lord's Prayer and the less contentious of the Thirty-nine Articles—which formed the basis of other tests of doctrinal orthodoxy proposed during the Puritan Revolution.⁹³ For discussion of contention over Early Church creeds and the basis of orthodoxy in the 1640s see chapter four. The proposed sixteen fundamentals emphasised the necessity of holy Scripture and faith for knowing God; the distinction of God from his creatures; and of believing that God was 'one in three persons'; that salvation comes only from knowing Jesus Christ, the sole mediator between man and God; Jesus Christ is the son of God and 'the true God', he 'is also true man', and 'God and Man in one Person'; Christ is 'our Redeemer' who paid ransom and 'made satisfaction' for our sins; Christ was 'Crucified at *Jerusalem*, and rose againe, and ascended into heaven'; Christ remains distinct from 'all Saints and Angels, notwithstanding their union and communion with him'; all men are 'dead in trespasses and sins' and cannot be saved without second birth, repentance and faith; men are justified and saved by grace and faith in Christ, not works; to continue in known sin is damnable; anyone forsaking and despising duties of worship cannot be saved; the dead shall be resurrected, and all will appear on a day of judgement to go into either everlasting life or condemnation.⁹⁴

These doctrines focussed heavily on Christology, which not only asserted the centrality of Christ to all Christian doctrine, but also indicates that this was an area that Owen and others believed to be under threat. Interestingly, in many ways this list strongly resembles that contained in the 1645 directions for suspension from the Sacrament, although its additional emphases carefully refute particular doctrines. The sixteen fundamentals would have established a firmly Protestant orthodoxy, excluding revelations purely from the 'Spirit' which rejected Scripture; salvation by works, and thus Roman

⁹³ Worden, 'Toleration and the Cromwellian Protectorate', p. 215

⁹⁴ In: Owen, John, *Proposals for the furtherance and propagation of the gospel in this nation. . . As also, some principles of Christian religion, without the beliefe of which, the Scriptures doe plainly and clearly affirme, salvation is not to be obtained*, (1652: [Thomason date: 2 December]), pp. 4-21

Catholics; denial of Christ's divinity and redemptive role, and thus Socinians; pantheistic teachings which collapsed the distinction between God and creation; and metaphorical interpretations of Scripture which denied either the historical Christ or a physical resurrection. These would, if passed, have formed a positive counterpart to the Blasphemy Act. This push for orthodoxy based on a number of Christian principles, was perhaps motivated by the realization that if legislative action could only be effectively and safely taken against specifically enumerated blasphemies or heresies (which were potentially endless), upholding positive doctrinal fundamentals would be simpler (if they could be agreed upon). Any divergence could then be defined as unacceptable heterodoxy. On the other hand, the concern we later see to insist on an enumeration of heresies, reflects anxiety that no religious legislation could be turned against the godly, either for lesser errors or by subjective interpretation amongst lay law enforcers.

In conflict with Worden's view, Sarah Mortimer argues Owen and his fellow drafters drew up principles which 'included provisions designed to exclude anti-Trinitarians and Roman Catholics, but among Protestants, they permitted a fairly broad range of opinions'. They focused on 'extreme heresies – notably Socinianism', and what Mortimer calls 'disruptive anti-Trinitarianism', where 'Spiritual re-interpretations of the Trinity were seen as increasingly dangerous, as tales multiplied of men – and even women – claiming divine authority for themselves.'⁹⁵ As Mortimer also documents, these supposedly uncontroversial principles or fundamentals provoked a media storm of hostility from those like Roger Williams, Sir Henry Vane Junior, and Marchamont Nedham who objected to a state definition of orthodoxy, and any undermining of liberty of conscience.⁹⁶ In a humiliation sermon of 13 October 1652, on Christ's kingdom and magisterial power

⁹⁵ Mortimer, *Reason and Religion in the English Revolution*, pp. 198-199

⁹⁶ *Ibid.*, pp. 200; for opposition the Humble Proposals see also, Polizzotto, 'The Campaign against The Humble Proposals of 1652'

regarding the worship of God, Owen urged Parliament that magistrates had a paternal power and duty to educate their children/subjects.⁹⁷

The *Proposals* however were not taken up again until February 1653 when the three proposals restricting liberty of conscience (12, 13 and 14) were dropped by the committee.⁹⁸ As Worden points out progress was so slow that only three proposals had been discussed, when on 20 April Parliament was forcibly dissolved by Cromwell and the Army. Thereafter, the Nominated Assembly or Barebones' Parliament, resolved on 10 October 1653 to make a (vague) declaration, 'for giving fitting Liberty to all that fear God', for preventing evil speech against magistracy, better preservation of peace amongst the God-fearing, and 'to discountenance Blasphemies, Damnable Heresies, and licentious Practices'.⁹⁹

John Biddle and issues with the Instrument of Government

Ambiguity surrounded the events of the forcible dissolution of the Rump, following which Cromwell and the Army established what came to be known as Barebone's Parliament, where members held a varying range of moderate to more radical political and religious positions. Deep tensions arose however between those striving to establish rule by the saints, and those aiming to strengthen a godly commonwealth without drastically changing the existing order; it was short-lived and sat for only five months. Woolrych argues that the more moderate majority, in resigning their authority to Cromwell, were not 'turning their backs on the goal of a godly reformation for which they had been

⁹⁷ Owen, John, *A sermon preached to the Parliament, Octob. 13. 1652. A day of solemne humiliation. Concerning the kingdome of Christ, and the power of the civile magistrate about the things of the worship of God*, (1652); Mortimer, *Reason and Religion in the English Revolution*, p. 202

⁹⁸ Worden, *The Rump Parliament*, pp. 326-327; '11 February 1653', *CJ V.7*

⁹⁹ '10 October 1653', *CJ V.7*

summoned' nor was Cromwell in accepting the Protectorship: 'They had simply discovered how much they differed from the zealots over how such a reformation should be achieved, and over the priorities between the kingdom within and the kingdom without.'¹⁰⁰

With the resignation of Barebones' on 12 December the Council of Officers adopted the Instrument of Government on 15 December 1653, which provided a broad liberty of conscience to those professing faith in God through Jesus Christ. As has been mentioned previously, the Instrument, under which Cromwell became Protector on 16 December, was very similar in its religious clauses to the 1649 Officers' Agreement. However, its clauses were not unopposed. Whilst 'sectaries of many hues' resisted magisterial prescription of preaching and enforced tithing, on 'the other hand, there was the more widespread feeling that religious toleration had gone too far and ecclesiastical discipline grown too slack.' The Instrument did not instruct on the appointing, ejecting or maintaining of ministers which was to be dealt with more specifically through Cromwell's commissions of Triers and Ejectors.¹⁰¹

Cromwell's views on what Church unity and the limits of liberty should look like, are indicated in an earlier letter to the Governor of Edinburgh, dated 12 September 1650; he rather angrily defended Independency to the Scottish Presbyterians and insisted that 'they must have patience to have the truth of their doctrines and sayings tried by the sure touchstone of the word of God'. If they claim to be infallible 'expositors of the covenant' as they do with 'their auditories of the scriptures' where different senses and judgements from theirs are counted 'breach of covenant and heresy', no wonder they judge others 'so authoritatively and severely.' We, Cromwell exclaimed, 'have not so learned Christ', and

¹⁰⁰ Woolrych, *Commonwealth to Protectorate*, p. 393

¹⁰¹ From Gardiner, *Documents*, p. 443, cited in Woolrych, *Commonwealth to Protectorate*, pp. 373-374; for more on the Triers and Ejectors, see Hughes, Ann, "'The Public Profession of these nations": the national church in Interregnum England', in Durston, & Maltby, *Religion in Revolutionary England*, pp. 93-114

view ministers as helpers ‘not lords over the faith of God’s people.’ Do not those who try the Presbyterian doctrines and dissent ‘incur the censure of sectary’, which is ‘to deny Christians their liberty, and assume the infallible chayre’? He defended lay preaching, arguing approbation served to preserve order but was not necessary to enable preaching of the Gospel; the Presbyterians’ ‘pretended fear’ of error he likened to keeping all wine out of the country ‘least men should be drunk.’ To deny a natural liberty upon supposition a man may abuse it is ‘unjust and unwise jealousie’, when it is abused, then judge. If a man speaks ‘erroneously, the truth more appears by your conviction; stop such a man’s mouth with f[s]ound words, that cannot be gainsaid: if blasphemously, or to the disturbance of the publick peace, let the civill magistrate punish him: if truly, rejoyce in the truth.’¹⁰²

This letter reveals that in 1650 Cromwell distinguished between errors and blasphemy, arguing, after the recent passing of the Blasphemy Act, that blasphemy came under the remit of civil magistrates, whereas errors were to be opposed by ‘the truth’. However, although Cromwell’s own understanding of who should benefit from liberty under the Instrument was broader than many wanted to allow, as Worden illustrates from Cromwell’s speeches to Parliament in the mid-1650s, it was not unlimited. The Instrument, especially the religious articles 35-38, was ambiguous and generated heated arguments. Article 35 maintained that, ‘the Christian religion, as contained in the Scriptures, be held forth and recommended as the public profession of these nations’ and that a less scrupled provision be sought for ‘able and painful teachers’ to instruct, and confute error, but in the meantime the present maintenance would be kept. Article 36 declared ‘That to the public profession held forth none shall be compelled by penalties or otherwise; but that endeavours be used to win them by sound doctrine and the example of a good conversation.’ Article 37 assured that all who professed ‘faith in God by Jesus Christ

¹⁰² From: ‘State Papers, 1650: July-September’: ‘For the governour of Edinburgh castle’, *A collection of the State Papers of John Thurloe, volume 1: 1638-1653*, (1742), pp. 154-164

(though differing in judgment from the doctrine, worship or discipline publicly held forth)' would be protected so long as they caused no civil injury to others or disturbance to the public peace. Excluded from this liberty were Popery, Prelacy, and licentious practice. Article 38 added that 'all laws, statutes and ordinances, and clauses in any law, statute or ordinance to the contrary of the aforesaid liberty, shall be esteemed as null and void'.¹⁰³

Cromwell himself considered the Instrument in need of amendment; he was keen to distinguish between the godly and the profane, error and heresy, and offered liberty only to those who recognizably professed Protestantism.¹⁰⁴ As those accused of heterodoxy argued however, these distinctions did not necessarily exist in the wording of the Instrument itself, and thus who exactly could claim liberty by its clauses became a point of contention. This was illustrated in the well-publicised case of John Biddle. A close analysis of renewed attention to Biddle and proceedings against him in 1654 illustrates the difficulties faced by the first Protectorate Parliament, who were concerned to establish a more rigid definition and policing of 'orthodoxy' than many of the more 'radical' in the army, and gathered and separatist churches. The Lord Protector's own stance was often un-formulaic and his dedication to liberty for the godly made him cautious about undermining the Instrument and exposing them to future persecution.

Having been previously imprisoned for expressing anti-Trinitarian views which he developed over the 1640s and 1650s, Biddle had spent time in and out of prison between 1644 and 1652 (when it is thought he was released by the Act of Oblivion).¹⁰⁵ Previous attempts to convince Biddle of his errors had been unsuccessful, and upon release Biddle produced a number of published works, including in April 1653 an enlarged edition of his

¹⁰³ The Instrument of Government, cited from: Gardiner, S. R, (ed.), *The Constitutional Documents of the Puritan Revolution 1625-1660, Third Edition Revised*, (Oxford: Clarendon Press, 1951), pp. 405-417

¹⁰⁴ Worden, 'Toleration and the Cromwellian Protectorate', pp. 216-222; for Cromwell on amending the Instrument, Worden cites Abbott, *Writings and speeches 4*, p. 417, in 'Toleration and the Cromwellian Protectorate', p. 216

¹⁰⁵ Snobelen, Stephen, D., 'Biddle, John (1615/16-1662)', *ODNB*; McLachlan, H. J, *Socinianism in seventeenth-century England* (Oxford: Oxford University Press, 1951), p. 188

Twelve Arguments (ordered to be burned on 6 September 1647), as well as his *Confession of Faith* ‘with the collective title *The Apostolical and True Opinion Concerning the Holy Trinity, Revived and Asserted.*’ He also translated several Socinian works in March, June and October of 1653, and is thought to have been the likely translator of the English Racovian Catechism of July 1652. In February 1654 Biddle published his *Two-fold Catechism*, containing *A Scripture-Catechism* and *A Brief Scripture-Catechism for Children*. Biddle does not appear to have come to the attention of Parliament before December in 1654, which was perhaps partly due to the political shuffling involved in the dissolution of the Nominated Assembly, and also the absence of a Parliamentary body demanding stricter measures of orthodoxy.

The first Protectorate Parliament was held 3 September 1654 – 22 January 1655, and MPs discussed and challenged aspects of the Instrument which did not set out a specific ecclesiastical settlement, instead simply holding forth Scripture-based Christianity as the public profession, which, as Woolrych points out ‘was never formulated’.¹⁰⁶ Although the Instrument provided a broad liberty of conscience, many members of the first Protectorate Parliament wanted more restrictive religious legislation against atheism, blasphemy, licentiousness, etc., and attempted to amend the Instrument through a lengthy constitutional bill, which would have increased Parliament’s powers, (particularly over the Army). As David Smith points out, this fear over error and irreligion was aroused to greater passion through the controversy over Socinianism, as evidenced by the imprisonment of and attempts to execute John Biddle.¹⁰⁷

As well as fearing the spread of Socinian ideas, Mortimer argues that the Independents realised that the Socinian new and alternative approach to interpreting Scripture could damage their plans to settle the Church; at the same time they were

¹⁰⁶ Woolrych, *Commonwealth to Protectorate*, p. 373

¹⁰⁷ Smith, *The Stuart Parliaments*, pp. 140-141

convinced that they could vindicate their ‘version of Christianity’ by demonstrating Socinian errors and absurdities.¹⁰⁸ As Mortimer stresses however, Independents holding ‘the reins of power in the 1650s wanted to rely upon the scriptural text for their theological principles, for they remained opposed to strong clerical power.’¹⁰⁹ Whilst Mortimer argues that proving orthodox Trinitarian doctrine from Scripture was difficult, it should be noted that this was more the result of variant interpretations of Scripture than an unsupportable case for Trinitarianism. She correctly argues, that the ‘controversy over Socinianism in the 1650s was a battle for the future direction of English theology’, for its influence extended beyond those who accepted all of the Racovian Catechism, originally published in 1609. Owen and his ‘Independent allies’ wanted the Scripture to be interpreted in a Reformed and Trinitarian way, and their failure to achieve a Reformed confession of faith made it impossible to enforce ministerial maintenance and teaching of Reformed doctrine.¹¹⁰ In *Zeal Examined* (June 1652), Vane had argued that magistrates should not judge in the doctrine of the Trinity, as it was beyond the comprehension of men.¹¹¹ The Socinian separation of Christianity and natural light or natural human knowledge was viewed by Owen with alarm, as the implications of this were far-reaching; to claim that knowledge of God and his moral requirements was impossible without revelation, was to deny the grounds for magistrates holding any authority in matters of religion, which would then become individual and voluntary.¹¹² See also debates at Whitehall over the grounds for magisterial discipline over religion and the light of nature, in chapter four. In February 1654, (the same month *A Two-Fold Catechism* was published), Blair Worden points out that Marchamont Nedham, government apologist, made a statement later validated by Cromwell, regarding the religious articles 36 and 37 of the Instrument. Saying, “‘it is

¹⁰⁸ Mortimer, *Reason and Religion*, p. 205

¹⁰⁹ *Ibid.*, p. 206

¹¹⁰ *Ibid.*, p. 207

¹¹¹ *Ibid.*, p. 201

¹¹² *Ibid.*, pp. 201, 207

intimated or implied, that there is a profession intended to be held forth by the magistrate, and that the profession so held forth shall extend both to doctrine, and worship or discipline”. He also remarked on the need for religious settlement and opposing the “spreading abroad most blasphemous opinions”.¹¹³ In this month Cromwell set in motion meetings of divines in an attempt to procure a confession of faith; ‘faith in God by Jesus Christ’ was a contentious statement. In August 1654 Richard Baxter, remarking that if the phrase meant anything it “must comprehend every true fundamental article of our faith”, argued it to have been intended to suppress intolerable heterodoxy.¹¹⁴ Thus Parliament when it finally met was concerned to provide clarity, and in October 1654 as discussion of religious articles in the Instrument was commencing, *A Second Beacon Fired. Humbly presented to the Protector and Parliament* was printed by the London Presbyterians, listing heresies in circulation and particularly John Biddle’s.¹¹⁵

On 7 December 1654, MPs debated the wording of the Instrument and ‘Settling the government’; as their laborious attempts to expand upon them demonstrates, the religious articles were considered to be overly general and in need of clarification. Rather than a merely ‘Christian’ public profession, the exclusively ‘Reformed Protestant’ and biblical foundation of the profession was to be specifically stated. It was resolved that, as article 35 had recommended, tithing would remain until an alternative provision for ministers and preachers was made by Parliament. Article 36 prompted debate over ‘enjoining Attendance’ at the public profession, and dispute over attendance, restraining heterodoxy and ungodliness, and the Protector’s role in these matters continued late, and candles were brought. It was proposed that no law or statute for restraining ‘such Tender Consciences’ as were offered liberty in article 37 would be made ‘without the Consent of the Lord

¹¹³ Worden cites, *A True State of the Case of the Commonwealth*, (1654), pp. 40-43, and for Cromwell’s validation, Abbott, *Writings and Speeches*, 3, p. 587, in Worden, ‘Toleration and the Cromwellian Protectorate’, p. 217

¹¹⁴ Worden, ‘Toleration and the Cromwellian Protectorate’, pp. 217-28

¹¹⁵ *Ibid.*, p. 218

Protector and Parliament'. Provided, that bills agreed upon by Parliament for restraining 'Atheism, Blasphemy, damnable Heresies, Popery, Prelacy, Licentiousness, and Profaneness' or anyone preaching, printing, and publishing against or publicly disturbing the public profession, would pass into laws within twenty days of presentation to the Protector even without his consent. Debate was deferred until the next day.¹¹⁶

On the 8 December, after much wrangling and a vote, Parliament resolved that the Lord Protector should have a negative voice in any bill they might present to him for compelling a person by penalty to adhere to the public profession. Providing that within twenty days of presentation to the Protector, any future bills agreed by Parliament that required ministers and preachers in receipt of tithes to submit and conform to the public profession, and all people on the Lord's Day to attend 'Preaching of the Word and other religious Duties' in a public place of Christian worship, would pass into law.¹¹⁷ There was evidently a drive to limit Cromwell's (and any future protector's) power of veto in matters of defending as well as defining orthodoxy. Parliament continued on 9 December to debate the restraint of atheism, blasphemy, heresy etc., Parliament divided over the inclusion of the words "damnable Heresies"; the 'Yeas' defeated the 'Noes' 91 to 69.¹¹⁸ This contention could indicate that some would have excluded heresy altogether from a future bill of restraint, or that without a specific enumeration of what 'damnable heresies' were this was considered a dangerously vague phrase. On 11 December, after a protracted debate when candles were brought, it was passed by the extremely narrow vote of 85 to 84, 'That there be a particular Enumeration of Heresies, after these Words, "damnable Heresies"'.¹¹⁹

¹¹⁶ '7 December 1654', *CJ V.7*

¹¹⁷ '8 December 1654', *Ibid*

¹¹⁸ Tellers for the Yeas were: Colonel Rous, Colonel Mathewes. Tellers for the Noes were: Colonel Jones, Commiss. Gen. Whaley. '9 December 1654', *CJ V.7*

¹¹⁹ Tellers for the Yeas were: Colonel Jones, Colonel Montagu. Tellers for the Noes were: Sir Rich. Onslow, Mr. Fitz-James. '11 December 1654', *Ibid*

As Colonel Jones voted against including ‘damnable Heresies’ and afterwards voted for a ‘particular Enumeration of Heresies’, and from the closeness of the latter vote, it is evident that there was concern over how that label would be applied and interpreted by both a penal law and those enforcing it. On 12 December, consideration ‘of the particular Enumeration of damnable Heresies’ was referred to a committee. It is recorded by Guibon Goddard, that then ‘the debate of atheism, blasphemy, and profaneness,’ was ‘taken up; which were conceived to be words of that general notion, as might expose the godly party, and people hereafter, to some danger of suffering under those laws.’¹²⁰ A committee report from Sir William Masham, on the ‘Doctrinal Truths’ that committee members and divines considered ‘fit to be owned’ by ministers receiving public maintenance, and the committee’s conference over ‘Articles of Faith, Twenty Articles’ and Scripture proofs, evidences a continuing effort to produce a confession of faith along the lines of Owen’s Principles. As John Coffey points out, this expanded list drawn up by leading Congregationalist divines was theologically narrower, and now excluded Arminianism.¹²¹ The deliberations over defining and establishing orthodoxy were thus accompanied by those regarding the restraining of heterodoxy, for in the contemporary mind they were inseparable.

On 12 December also, in the midst of these deliberations came report of the blasphemous publications of John Biddle, “‘The apostolical and true Opinion concerning the Holy Trinity revived and asserted; or, Twelve Arguments drawn out of Scripture...’” and “‘A twofold catechism’”. Power was given to a Committee to have Biddle and his printers and publishers restrained, and Biddle’s ‘school’ (which at this time he no longer kept), and all copies of the books were ordered to be burnt.¹²² Between this discussion of

¹²⁰ [12 December 1654], *An account of the parliament of 1654; From the Journal of Guibon Goddard, Esq. M.P.*, in *BURTON V.1*, p. cxiv

¹²¹ Coffey, John, ‘A ticklish business: defining heresy and orthodoxy in the Puritan revolution’, p. 122

¹²² ‘12 December 1654’, *CJ V.7*

Biddle's heterodoxy, and further debate of his case the next day, on 13 December MPs continued to work on the religious clauses of the government settlement. It was agreed that bills against heterodoxy and irreligion would not extend to publishing, though they would be concerned with printing and preaching, which is an interesting distinction. Then according to Goddard's journal, came the 'latter part' of the question, and: 'the very hinge of all. Whereby, it was endeavoured to exclude the necessity of the Lord Protector's concurrence in making of laws to such purposes. Whereby they would, in a manner, disable him from being what they had voted him, that is, a Protector; especially in that point which is of most weighty and tender consideration of any, that is, the freedom of the tenderness of our consciences.'¹²³ An attempt to question whether the following statement should be included in the final clause of the Instrument: "viz. which shall be agreed upon by the Lord Protector, and the Parliament;" can be thus interpreted to be objecting to the Protector's authority in deciding the fundamental doctrines which would decide orthodoxy. This is perhaps due to concern over one high magistrate having power to define orthodoxy because of the precedent this would set for future protectors who might persecute the godly, or, that he would disagree with their own definition. The proposal to debate this question that day was outvoted by 80 to 62.¹²⁴

Then, having been apprehended by the 'Serjeant at Arms' as ordered, Biddle was brought before the Bar, where he affirmed his authorship of the two books, but refused to go beyond what the Law of Christ commanded and 'betray his Brethren' by informing Parliament who printed them. He denied having a school or a congregation. Whereupon, 'Being asked,' with sarcasm one can imagine, 'Whether the Law of Christ did enjoin him to believe the Holy Ghost is not God; [Biddle] saith, The Law of Christ doth no-where tell

¹²³ [13 December 1654], *An account of the parliament of 1654; From the Journal of Guibon Goddard, Esq. M.P.*, in *BURTON V.*, p. cxvi

¹²⁴ Tellers for the Yeas: Mr. Maidston, Colonel Rous. Tellers for the Noes: Mr. Grove, Mr. Bulkley. '13 December 1654', *CJ V.7*

him, the Holy Ghost is God'. Being sent away and called back again for further questioning, Biddle asserted that he could find nowhere 'in the Old or New-Testament, that the Holy Spirit is God', or 'where Jesus Christ is called the Most High God, or God from Everlasting to Everlasting'. He refused to comment on whether 'God be confined to a certain Place' or had a 'bodily Shape', as it was not 'to the hope' within a Christian. He was ordered to be kept close prisoner in the Gatehouse Westminster, 'without Pen, Ink, or Paper, in order to a further Proceeding against him'.¹²⁵

Renewed debate on the vote to enumerate heresies was denied, but the words 'by this parliament' were to be inserted, asserting Parliamentary authority to decide what those heresies were, and offering assurance that they would be enumerated before Parliament dissolved. On 15 December it was finally resolved, that: without the consent of Protector and Parliament, no law would be made to restrain 'tender Consciences as shall differ in Doctrine, Worship, or Discipline' from the aforesaid public profession, who do not 'abuse this Liberty to the civil Injury of others, or the Disturbance of the publick Peace'. Provided, that bills agreed by Parliament would pass into laws 'within Twenty Days after their Presentation to the Lord Protector' even without his consent. In the case of bills for restraining 'Atheism, Blasphemy, damnable Heresies, to be particularly enumerated by this Parliament', and 'Popery, Prelacy, Licentiousness, or Profaneness'; and any preaching, printing, or maintenance contrary to the 'Principles of Doctrine' of the public profession to be agreed by Protector and Parliament; and overt disturbance of the public profession.¹²⁶

Whilst this made a show of offering Cromwell a say in the definition of the fundamentals and laws restraining those differing on what amounted to only lesser matters from the public profession, it did so on the condition that Parliament reserved the right to specify what was considered atheism, blasphemy and damnable heresy, and to determine

¹²⁵ '13 December 1654', *Ibid*

¹²⁶ '15 December 1654', *Ibid*

the terms of bills for restraining these ‘crimes’ along with popery, prelacy, licentiousness and profanity. Furthermore, and perhaps of highest political significance, it claimed the right after twenty days to pass these laws without the consent of the Lord Protector.

Although this time-limitation on the Protector’s right to veto was, as Woolrych points out, included in the Instrument, that right to limit the Protector’s power was itself restricted by excluding certain ‘matters’ from that right, including ‘the frequency and duration of parliaments, the qualifications of MPs, the franchise, some very broad provisions for liberty of conscience’ and the revenue for the army and civil government.¹²⁷ Debate moved on to the ‘Fundamentals’, and thereafter other articles of government. Goddard notes for this day that when it was voted no printing and preaching would be countenanced against ‘such fundamentals as shall be agreed’ by Protector and Parliament, it was also moved that the Twenty Articles presented to Parliament might be approved so this vote would encompass them. ‘But, upon perusal of the articles, they were laid aside, and not thought fit to be further proceeded upon at that time.’¹²⁸ Evidently there was not unanimous or unreserved support for imposing orthodoxy based on a new confession even amongst the respectable orthodox. Or it was considered too restrictive. As Coffey has shown, Richard Baxter (one of the divines tasked with defining the fundamentals), whilst distinguishing between essentials and non-essentials of faith resisted imposing creeds other than that of the Apostles’, which along with the Lord’s Prayer and Decalogue he argued contained all that was necessary for salvation.¹²⁹

Amidst this employment the need for further action against heterodox ‘prophets’ was highlighted on 30 December (1654), when Tany caused a stir by striking with his

¹²⁷ Woolrych, Austin, *Commonwealth to Protectorate*, (Oxford: Clarendon Press, 1982), p. 370

¹²⁸ [15 December 1654], *An account of the parliament of 1654; From the Journal of Guibon Goddard, Esq. M.P.*, in *BURTON V.1*, p. cxix

¹²⁹ Coffey, ‘A ticklish business: defining heresy and orthodoxy in the Puritan revolution’, p.126-128; for a more in-depth study of internal division within the ranks of the godly, and between Baxter and Owen in particular, see Cooper, Tim, *John Owen, Richard Baxter and the formation of nonconformity*, (Farnham: Ashgate Publishing Ltd, 2011)

sword 'at divers persons' and against the door of the House. As noted above, Tany had already been imprisoned under the Blasphemy Act. Upon questioning at the bar, he claimed he had come as 'the People were ready to stone him, because he burnt the Bible'; the Bible had deceived him, it 'is Letters, not Life' and not 'the Word of God' as people claimed. Therefore he had burned 'Pistols, and Bible, because they are the Gods of England'; he drew his sword because jostled at the door. Tany claimed to be following God's bidding not his own. He was committed to the Gatehouse and the keeper ordered to note any visitors. Punishment for these offences was referred to the committee dealing with Biddle's case, which was ordered to examine and report on Tany 'with Speed.' It is perhaps not a coincidence that this day a committee was ordered to prepare a bill 'touching Quakers' and empowered to receive information from MPs or others about 'these Persons; the better to enable them to describe them in this Bill.'¹³⁰ Clearly Tany was associated with radicals like Quakers who were perceived to oppose the authority of the Bible and to be disturbers of the peace.

A motion to consider yet again the question of enumerating heresies was rejected on 11 January 1655, but on the 12 January debate returned to the forty-sixth chapter of the bill to be called 'An Act declaring and settling the Government of the Commonwealth of *England, Scotland, and Ireland*, and the Dominions thereunto belonging.' The proviso was amended to provide that damnable heresies were to be particularly enumerated by both Lord Protector and Parliament, whilst Parliament would agree the bills for restraining them, and atheism, blasphemy, popery etc. First and second votes were taken for adding a further clause whereby no alteration of this act could occur without the consent of both Protector and Parliament.¹³¹

¹³⁰ '30 December 1654', *CJ V.7*; this disturbance is also reported in [30 December 1654], *An account of the parliament of 1654; From the Journal of Guibon Goddard, Esq. M.P.*, in *BURTON V.1*, pp. cxxv-cxxvi

¹³¹ '12 January 1655', *CJ V.7*

The Committee for Printing, after an unproductive attempt to examine Biddle, examined and considered *A Two-fold Catechism*, and *The apostolical and true Opinion concerning the Holy Trinity*. Parliament agreed on 15 January 1655 with the Committee's voted conclusion that 'the whole Drift and Scope' of Biddle's *A Two-fold Catechism* 'is to teach and to hold-forth many blasphemous and heretical Opinions', whilst, *The apostolical and true Opinion* was 'full of horrid, blasphemous, and execrable Opinions; denying the Deity of Christ, and of the Holy Ghost'. The House resolved that the Committee should bring in a bill to punish Biddle by; evidently they did not consider existing legislation to cover his offences. And, although orders had been given on 12 December 1654 for the burning of Biddle's two books, these were obviously not carried out particularly thoroughly as a second order was also given for the burning of *A Two-fold Catechism*, and orders were given to search for and seize all printed copies.¹³²

As a consequence of Parliament's attempts to 'subvert' the Instrument, Cromwell dissolved it as fast as he legitimately could, on 22 January 1655 (five months was stated as the minimum sitting in the Instrument).¹³³ As is often quoted, Cromwell berated Parliament for refusing "a just liberty to godly men of different judgements" and for the "strange itch" on men's spirits that makes them unsatisfied until they "put their finger upon their brethren's consciences, to pinch them there."¹³⁴ A letter written to Cromwell in February 1655, 'By a wellwisher to the anabaptists prosperity, and all the rest of the separatists of England' pleaded for his continued commitment to liberty of conscience, citing Biddle's case specifically. Responding to a rumour that Cromwell intended to purge Anabaptists from the army, this 'wellwisher' begins by complaining that, like those before him, Cromwell interfered in the work of the Church by making laws not only for the bodies of

¹³² '15 January 1655', *Ibid*

¹³³ From Gardiner, *Documents*, p. 443, in Woolrych, *Commonwealth to Protectorate*, pp. 373-374

¹³⁴ Smith, *The Stuart Parliaments*, pp. 140-141

men ‘but for the conscience too’ imposing statutes on people ‘as rules of divine worship.’ This work, continued ‘under pretence of correcting error’ would destroy truth. Who would have imagined this after Cromwell’s last Parliamentary speech, ‘when your tongue was so sweetly tip’d’ for liberty and Parliament reproved ‘for having a s[f]inger in their brother’s conscience?’ Unless it was believed ‘a fountain could send forth sweet water and bitter?’

Out of 25 inquiries he sets to Cromwell, Biddle is mentioned directly several times:

11. If the Instrument’s laws were fixed, ‘how is it, that mr. John Biddle is now a prisoner?’; 14. Whether it were more abominable to Anabaptists, Independents, Biddle or anyone meeting the requirements for liberty in the Instrument, to suffer for conscience under Cromwell’s government which promised liberty, than ‘under the king that promised them none?’; 15. Whether Cromwell would ‘appear a dreadful apostate and fearful dissembler’ if he suffered persecution of ‘anabaptists or independents, or them of mr. Biddle’s judgement’ after promising ‘equal liberty to all?’ He ended by counselling Cromwell to abandon his ‘wicked design, to cast off the people of God’, to leave his iniquity by being righteous and ‘shewing mercy to the poor’. It was not strength and policy but ‘righteousness accompanied with strength, that must keep alive your interest with God and the people’.¹³⁵ This letter shows how, as with Best’s situation in the mid-1640s, Biddle’s case and proceedings against him aroused opposition, as separatists viewed it darkly as a step towards an oppression of their own consciences. It may not be coincidence that Biddle, his publisher and printer were released on bail on 10 February on condition of their appearance at the next Sessions in May; after a delay, they were heard on 28 May 1655 and released.¹³⁶

¹³⁵ ‘State Papers, 1655: February (2 of 3)’: ‘Queries for his highness to answer to his own conscience. By a wellwisher to the anabaptists prosperity, and all the rest of the separatists of England. [From a manuscript in the hand-writing of Henry Oldenburg, esq; in the possession of the reverend mr. William Clarke, canon residentiary of Chichester.]’, in *A collection of the State Papers of John Thurloe, volume 3: December 1654 - August 1655*, (1742), pp. 150-165 [Available on *British History Online*]

¹³⁶ Snobelen, ‘Biddle, John (1615/16–1662)’, *ODNB*

Preaching in London upon his release led to Biddle being challenged by John Griffiths, a General Baptist Minister, to a public disputation: ‘Whether Jesus Christ be the most High or Almighty God?’ It seems Biddle’s views had persuaded some of Griffiths’ congregation; the disputation held in Griffith’s London Church, on 28 June 1655, was obviously intended to refute this rival theology and leader; a follow-up dispute was scheduled for 5 July. But on 3 July the Council of State heard that Biddle ‘in presence of 500 persons, maintained for some hours that Jesus Christ was not the Almighty or most high God’, and to prevent the continuation of the dispute, the Lord Mayor was ordered ‘to prevent its taking place by securing Biddle,’ and in future not to ‘allow any such meeting in the above or any other place in his jurisdiction.’¹³⁷ Although, as we discuss below it was widely believed to have been abolished, Presbyterians opposing toleration appealed for the use of the 1648 Ordinance against Biddle. On 10 July he was charged with “‘publicly denying that Jesus Christ was the Almighty or Most High God’”, and moved from the Poultry Compter to Newgate.¹³⁸ The attempts to resurrect the Heresy Ordinance led to it being reported as fact in *Mercurius fumigosus*, that John Biddle was under trial ‘at the sessions in the *Old Bailey* for seeking to divide the *Deitie*, being try’de upon the Ordinance made in 1648 against *Blasphemy* and *Heresy*’.¹³⁹

However, as it had when introduced to Parliament in 1646, the suggestion of enforcing the Heresy Ordinance raised opposition.¹⁴⁰ Both Biddle and his defenders pointed out that to enforce the Heresy Ordinance would have been to also expose all the non-Presbyterian godly. A pamphlet, *The spirit of Persecution Again broke loose, By An Attempt to put in Execution against Mr. John Biddle Master of Arts, an abrogated Ordinance of the Lords and Commons for punishing Blasphemies and Heresies*, appeared

¹³⁷ ‘Vol. XCIX. Jul 3 1655, Council Day’s Proceedings’, in Everett Green, Mary Anne, (ed), *Calender of State Paper Domestic 1655*, (London: Longmans & co, 1881), p. 224

¹³⁸ Snobelen, ‘Biddle, John (1615/16–1662)’, *ODNB*

¹³⁹ Crouch, John, (editor), *Mercurius fumigosus*, ‘Numb. 60’, (11 – 18 July, 1655), p. 468

¹⁴⁰ See chapter two

to believe the ordinance was abolished. It identified Biddle's accusers as a group of Presbyterian booksellers of Paul's Church Yard – Thomas Underhill, Luke Fawn, and Nathaniel Web – 'notoriously known for their preposterous zeal, and former opposition unto Christian Liberty, under the Name of Beacon-Firers'. It defended Biddle, accusing the Mayor of illegal proceedings, and argued that Best could not be tried by the Ordinance as denying Christ to be the 'most High God' was not listed within it. Echoing Norwood's earlier protest about interpreting laws, it objected to the Recorder's claim 'that though those very words were not there' he was proceeding with the 'intention of the Law-makers'.¹⁴¹ For, the author argued, it was beyond a mere man to 'tell the mind of the parliament seven years ago, which they did not then declare', and that, 'If we must not be judged by the letter of our Lawes, but by the intention of the Law-Makers, which the Lawyers are to determine, how is it possible for any man to know when he breaks the Law?' This principle would allow for a 'liberty of interpretation' and 'in drawing consequences' would make it easy to 'justifie all the injustice that was ever committed', turning England into 'a field of bloud.'¹⁴²

The crux of the issue, which was to emerge more strongly perhaps with Nayler, was summed up in the caution to 'all sober men' to judge whether Biddle's treatment set a precedent whereby 'every Christian in England may not upon this Ordinance be committed to Prison without Baile or Mainprize, till he may suffer death without benefit of clergie'. This was a Presbyterian persecution readers were warned, and the assault had begun with the arrest of William Kiffin, pastor of a London Baptist Congregation, charged with breaching the Heresy Ordinance for 'preaching, *that the Baptisme of Infants is unlawfull*'. Reputedly, the Mayor had been informed that Kiffin had not been prosecuted sooner as it

¹⁴¹ Anon., *The Spirit of persecution again broken loose, by an attempt to put in execution against Mr. John Biddle master of arts, an abrogated ordinance of the Lords and Commons for punishing blasphemies and heresies*, (London: 1655, [Thomason date: 21 July]), pp. 2-4

¹⁴² *Ibid.*, pp. 10-11

was ‘thought the Ordinance had been null and void, till the other day they perceived one was committed to prison upon it’; when queried why they presumed it to have expired the prosecutors claimed they understood it had been nullified by the Instrument.¹⁴³ As Kiffin sat as MP for Middlesex 1656-1658, this report appears to somewhat dubious and is difficult to substantiate; these proceedings against him are not mentioned in the ODNB.¹⁴⁴ Regardless of factual accuracy however, the intended polemical message is clear; one successful prosecution under the Heresy Ordinance would clear the way for a flood of persecution against the godly. The government should not judge of ‘words and things that are supernatural’, but only ‘transgression against civil society and the peace of men’ and matters of ‘wicked lewdness’.¹⁴⁵

The main defence of Biddle however was an appeal to the Instrument of Government; its status and vying interpretations of it were thus highly significant. When the first Protectorate Parliament was dissolved, the Instrument had not been altered or ratified, and although the Heresy Ordinance had seemingly never been enforced, it was only in the terms of article 38 of the Instrument that it was specifically repealed. Worden argues that Cromwell himself appears to have affirmed that the Ordinance was still in force, and that ‘the Instrument “was never intended to maintain and protect blasphemers” against it.’¹⁴⁶ Whilst Cromwell was reported as having refuted that the Instrument was intended to protect those denying Christ’s deity, attempts to locate the assertion that the Ordinance was still in force in the sources Worden cites have been elusive.¹⁴⁷ Furthermore it seems unlikely, given the clause of the Instrument that repealed legislation opposing the

¹⁴³ Anon., *The Spirit of persecution again broken loose*, pp. 20-21

¹⁴⁴ Haykin, Michael A. G., ‘Kiffin, William (1616–1701)’, *ODNB*

¹⁴⁵ Anon., *The Spirit of persecution again broken loose*, p. 23

¹⁴⁶ Worden, *The Rump Parliament*, p. 222; he cites as his sources for this statement: Anon., *The petition of Divers Gathered Churches*, (1655), p 4; Anon., *To the Officers and Souldiers of the Army*, (1657) p. 2; Abbott, Wilbur, C, *The Writings and Speeches of Oliver Cromwell*, vol. III, p. 834

¹⁴⁷ Worden references Abbott, *The Writings and Speeches*, vol. III, p. 834; Abbott cites *Clarke Papers*, iii, 53 and *Mercurius Politicus*, numb. 276, (20th-27th September 1655), 22 September, p. 5642

liberty it granted, that Cromwell viewed the Ordinance to be in force; many of those he considered amongst the godly would have been subject to its penalties. However, as we have seen he viewed blasphemy in a different light to heresy, as being a more serious offence.

Not only was the Instrument cited as authority for the repeal of the Heresy Ordinance, in Biddle's case it was also strongly declared that it offered him liberty. Quoting articles 37 and 38 of the Instrument, the pamphlet asserted that 'by the same right that his Highness and the Councill enjoy their Authority, by the same right aught Mr. Biddle to be free from all prosecution, upon the fore mentioned Ordinance.'¹⁴⁸ This appeal reveals a reason for dissatisfaction with the Instrument's offer of liberty to those covered by the general statement 'faith in God by Jesus Christ', for by stating belief in 'My Lord and Saviour JESUS CHRIST, that sitteth at the right Hand of GOD in the Heavens' Biddle claimed the right to protection under the Instrument.¹⁴⁹

Another pamphlet defending Biddle and liberty of conscience quoted Cromwell's second speech of the last Parliament: "he that would have it, ought to give it. Every sect saith, Oh! give me Liberty: but give it him, and to this power, he will not yield it to any body else!" And we hear' the tract continues, 'the Necessity of taking upon him this Government, is, the maintainance of Liberty of Conscience...'¹⁵⁰ It was to Cromwell that Biddle addressed an appeal for a hearing, saying, 'if it be found that I practise unrighteousness, and have done any thing worthy of death, I refuse not to die'; it was, alongside the legal and religious tensions noted above, the reported godliness and uprightness of Biddle's life, along with his insistence that salvation came only through

¹⁴⁸ Anon., *The Spirit of persecution again broken loose*, pp. 9-10

¹⁴⁹ *Ibid.*, p. 3

¹⁵⁰ Anon., *A true state of the case of Liberty of Conscience in the Commonwealth of England. Together with a true Narrative of The Cause, and Manner, of mr. John Biddle's sufferings*, (1655, [Thomason date: 14 July]), p. 10

obedience to Christ's teachings, that complicated the case.¹⁵¹ For, as previous chapters have noted, the false prophets were to be recognized by their evil lives. Biddle included a copy of his letter to Lord President Laurence, dated 29 July 1655, explaining in detail his views, and ending with a plea for mercy and love, and 'rescuing me out of the hands of these blood thirsty men, whose malice, if it prevail against me, wil not stop there, but extend it self to all other dissenters whatsoever, and consequently even to your Lordship it self.'¹⁵² It is likely that the publication of Biddle's case in print, and the opposition to his punishment which it raised, impacted on the final decision regarding his fate. Whilst Socinianism provoked hostility and alarm amongst many of the godly, the proceedings against Biddle prompted a vocal and influential minority to express alarm over attempts to overthrow liberty of conscience.

Concern over Socinianism more generally is evidenced in a record for the Council of State for 5 October 1655, when Major Hezekiah Haynes was to 'enquire about and suppress a meeting proposed to be held at Barking, Essex, for holding and defending blasphemous opinions against the Deity of Christ.'¹⁵³ On the same day, a warrant was advised for the removal of Biddle, from Newgate to the Scilly Islands for 'safe keeping', until further orders. Secretary Thurloe and Desborough were to agree upon the manner of his conveyance, and by order of 9 October, the Admiralty Commissioners were 'to provide a fit vessel' for that purpose.¹⁵⁴ A petition of 24 October 1655, from Thomas Underhill and Nathaniel Webb to the Council, lends support to the accusation of their having a vendetta against Biddle, for whilst they extend support and gratitude for protection offered to those

¹⁵¹ Biddle, John, *Two LETTERS OF Mr. JOHN BIDDLE, Late Prisoner in Newgate, But now hurried away to some remote ISLAND. One to the Lord Protector. The other to the Lord President Laurence. WHEREIN You have an account of his Judgement concerning those Opinions whereof he is accused*, (1655, [Thomason date: 4 October]), p. 1

¹⁵² Biddle, *Two LETTERS OF Mr. JOHN BIDDLE, Late Prisoner in Newgate*, p. 6

¹⁵³ 'Vol. Cl. Oct 5 1655, Council Day's Proceedings', Everett Green, *Calender of State Paper Domestic 1655*, p. 371

¹⁵⁴ 'Vol. Cl. Oct 9 1655, Council Day's Proceedings', *Ibid.*, p. 374

‘who hold the foundation of religion in piety and unity, differing in lesser matters’, they express ‘uncertainty’ over liberty of conscience, stating ‘we are far from thinking you intend the same protection for blasphemers and heretics. This is shewn by your sending John Biddle to the Isle of Scilly’, they warn however, that contrary to their intentions, this act may serve to further promote his book.¹⁵⁵ It is within the context of endeavouring to find a way of distinguishing between error and heresy, defining an acceptable Christian orthodoxy, and reluctance to execute for religious beliefs alone that Cromwell’s banishment of Biddle must be seen, as, refusing to give Biddle an audience, he certainly held no sympathy for his doctrines.¹⁵⁶

James Nayler, blasphemy and the second Protectorate Parliament

This next section will continue by addressing Parliamentary dilemmas surrounding the conflicting impulses to provide sufficiently harsh and exemplary punishments for heretics and blasphemers, and to protect the present and future liberty of the godly. Concerns about disruptive ‘blasphemers’ and anxiety provoked by the travelling, preaching, and interruption of church services undertaken by Quakers, a label somewhat indiscriminately applied, reached a peak during the Parliamentary trial of James Nayler. A rival of George Fox, Nayler was an influential Quaker leader who was a prolific author of Quaker tracts, and had been successfully preaching in London since the summer of 1655.¹⁵⁷ As Kate Peters discusses, there had been unsuccessful attempts to prosecute Nayler under the Blasphemy Act previously in Westmorland, where he and another Quaker

¹⁵⁵ ‘Vol. Cl. Oct 24 1655, Council Day’s Proceedings’, *Ibid.*, p. 393

¹⁵⁶ Biddle, John, *Two LETTERS of Mr. JOHN BIDDLE, Late Prisoner in Newgate*, p. 1

¹⁵⁷ Worden refers to a parliamentary Declaration February 1655 that ‘prohibited Quakers and Ranters from disturbing services’, which he argues to have been ineffective and ambiguous. Worden, Blair, ‘Toleration and the Cromwellian Protectorate’, p. 225; Peters, *Print culture and the early Quakers*, p. 234

were arrested November 1652, and tried at the Appleby Sessions January 1653. The accusations of blasphemy made against them however could not be proved in accordance with the terms of the Blasphemy Act.¹⁵⁸ Peters highlights the difficulties inherent for local magistrates who were required to interpret and enforce often vague and ambiguous legislation, and where enforcement was largely dependent on the attitudes of those magistrates.¹⁵⁹ As she further points out, Quakers were rarely prosecuted under the Blasphemy Act but instead under a range of other laws including those employed against vagrants, or interrupters of divine services.¹⁶⁰ Nayler and some companions were imprisoned in Exeter gaol in August 1656; interestingly Nayler was released by Cromwell as payment for the nursing back to health of his sister, by one of Nayler's followers, Martha Simmonds.¹⁶¹ In October 1656 (having recently been released from Exeter gaol) Nayler rode into Bristol on a colt, with followers laying down clothes before him and singing, 'Holy, holy, holy, Hosannah,' in imitation of Christ's entrance to Jerusalem before his crucifixion, and Peters suggests also symbolising the light of Christ within everyone and 'perhaps also the imminence of the second coming of Christ.'¹⁶² In addition to these signs, Damrosch in his full-length study of Nayler, writes that this symbolism was also intended to demonstrate the shared suffering with Christ each believer was supposed to be prepared to undergo. He identifies Nayler's act within a wider context of Quaker enactment of prophetic signs intended to presage forthcoming events. As he points out, this

¹⁵⁸ *Ibid.*, p. 185

¹⁵⁹ *Ibid.*, pp. 195, 198-9

¹⁶⁰ *Ibid.*, pp. 196-198

¹⁶¹ Damrosch, Leo, *The Sorrows of the Quaker Jesus. James Nayler and the Puritan Crackdown on the Free Spirit*, (London: Harvard University Press, 1996), pp. 134-146

¹⁶² Damrosch, Leo, 'Nayler, James (1618–1660)', *ODNB*; Deacon, John, *The Grand impostor examined, or, The life, tryal and examination of James Nayler the seduced and seducing Quaker : with the manner of his riding into Bristol*, (1656), p. 5; Peters, *Print culture and the early Quakers*, p. 233

act was misinterpreted by ‘orthodox’ Puritans, and was furthermore viewed with suspicion and alarm by fellow Quakers who Nayler’s group had become estranged from.¹⁶³

The events in Bristol, and Nayler’s consequent examination before Parliament and punishment were published in cheap pamphlet form, decrying his behaviour and Quakers more generally. One example is John Deacon’s *The Grand imposter examined*, which informed readers that Nayler during examination claimed that the singers were ‘moved’ to do so by the Lord. Letters written by his female follower Hannah Strange were produced, where he was addressed in Messianic terms such as ‘Thou everlasting son of righteousness and Prince of peace’, and ‘OH thou fairest of ten thousand, thou onely begotten Son of God’, and more specifically, ‘Thy name is no more to be called James but Jesus.’¹⁶⁴ Being asked: ‘Art thou the only Son of God?’ Nayler answered, ‘I am the Son of God, but I have many Brethren’; and ‘Have any called thee by the name of Jesus?’ he answered, ‘Not as unto the visible, but as Jesus, the Christ that is in me.’ However, some of his answers seemed deliberately evasive and ambiguous; when asked if Dorcas Erbury was dead two days in Exeter and raised by him, Nayler replied, he could do nothing of himself, the power within him was everlasting and was born witness to in Scripture. The Lord had made him ‘a signe of his coming’; therefore the honour belonging to Christ was bestowed on him as at Jerusalem. When asked if he were ‘the unspotted Lamb of God, that taketh away the sins of the world?’ he replied, ‘Were I not a lamb, wolves would not seek to devour me.’¹⁶⁵ Martha Simmonds in her examination called him ‘Lord’, and Dorcas Erbury claimed to know no other ‘Saviour’ than Nayler, who was her ‘Lord and Master’ whose ‘natural body’ was now spiritual and his ‘flesh and bones are new’. Dorcas also attested that having been dead two days, Nayler had miraculously raised her to life again in Exeter

¹⁶³ Damrosch, *The Sorrows of the Quaker Jesus*, pp. 163-176

¹⁶⁴ Deacon, *The Grand imposter examined*, pp. 5-7, 11

¹⁶⁵ *Ibid.*, pp. 11-12, 18

gaol with her mother as witness.¹⁶⁶ Adding to the scandal of the story, Deacon also claimed possession of a letter from a northern congregation, claiming Nayler had ‘frequented’ the company of a Mrs Roper whilst her husband was on a long voyage, ‘and was seen to dandle her upon his knee, and kiss her lasciviously’. In that time Mrs Roper reputedly gave birth to a child after an absence of 47 weeks from her husband.¹⁶⁷

The second Protectorate Parliament had been called on 17 September 1656. On 31 October 1656 a Bill was read the first time from an appointed committee, ‘against Vagrants, and wandering, idle, dissolute Persons’. This was clearly related to a concern over wandering Quakers as well as ‘rogues’ as a further debate of the bill on 5 December 1656 shows. It was reported that Nayler had been imprisoned for vagrancy whilst visiting Quakers in Cornwall.¹⁶⁸ The concern about defining offences evidently continues even within a debate over how far one could move outside one’s own parish: Dr Clarges suggested liberty for only five miles in order to suppress increasing numbers of pestering, dangerous Quakers, whilst Captain Baynes refused to ‘give you yea or no’ without an enumeration of ‘what these persons shall be’, as it may hit those ‘honest, conscientious men’ simply travelling to another parish to hear a different minister preach.¹⁶⁹ Parliament had been petitioned by Bristol’s mayor, aldermen and ministers to take up Nayler’s case as they claimed they could not effectively suppress Quakers due to insufficient legislation.¹⁷⁰ Also on 31 October, a committee was appointed to consider and determine the truth of information given about the ‘Misdemeanors and Blasphemies of James Nayler, and others, at Bristoll, and elsewhere’. They were empowered to send not only for Nayler and his company but also magistrates who had been remiss in their duties. Furthermore, they were ordered to study the existing laws and ordinances against blasphemy and prepare a bill, to

¹⁶⁶ *Ibid.*, pp. 27, 34

¹⁶⁷ *Ibid.*, pp. 41-42

¹⁶⁸ [5 December 1656], *BURTON V.1*, p. 24

¹⁶⁹ [5 December 1656], *Ibid.*, pp. 22-23

¹⁷⁰ Damrosch, *The Sorrows of the Quaker Jesus*, p. 177

‘Supply of the Defects therein’ related ‘to such Blasphemies and Misdemeanors’, and also, where fitting to abolish those ‘old Laws made against tender consciences’.¹⁷¹ His case was next reported on 8 and 11 November, when additions were made to his committee.¹⁷² On 2 December it was ordered that Nayler be kept isolated from other prisoners and his female company.¹⁷³ On 5 December a report of thirteen sheets of paper containing ‘the State of the Matter of Fact, and the Votes of that Committee, and all the Examination’ was read, and debate adjourned until the next morning.¹⁷⁴ Between 5 and 17 December, Nayler’s reported offences were the main business in Parliament, and sentence was passed only after lengthy debate.

On 6 December, after debating the previous day’s report, Nayler was brought before the bar where the Sergeant removed his hat, as he evidently refused to remove it himself; he was questioned about his reported answers, and the House then agreed with the Committee’s presentation of the facts.¹⁷⁵ Although this is the sum of the sparse information provided in the Commons Journal, Thomas Burton’s diary is more informative. What is extremely interesting is the concern presented over a lack of legislation by which to try and punish Nayler; this initially seems curious given that the 1650 Blasphemy Act was in force. The clause which most closely related to Nayler’s ‘blasphemy’ described any who professed in words or writing ‘him or her self, or any other meer Creature, to be very God, or to be Infinite or Almighty, or in Honor, Excellency, Majesty and Power to be equal, and the same with the true God’. However, as Kate Peters argues MPs were reluctant to use the Blasphemy Act: ‘Resorting to the Blasphemy Act begged the question of Parliament’s jurisdiction in the case, which should have been referred back to a civil magistrate.

Furthermore, as both Quakers and moderate MPs pointed out, it would have been very

¹⁷¹ ‘31 October 1656’, *CJ V.7*

¹⁷² ‘8 November 1656’, *CJ V.7*; ‘11 November 1656’, *Ibid*

¹⁷³ ‘2 December 1656’, *Ibid*

¹⁷⁴ ‘5 December 1656’, *Ibid*

¹⁷⁵ ‘6 December 1656’, *Ibid*

difficult to convict Nayler: his actions, and the explanations of them he had given to the Committee, did not constitute blasphemy as defined by the 1650 Act. As contested cases advertised in print had made clear this was a sensitive issue amongst the godly. And, finally, the punishments prescribed by the Act appeared far too lenient in Nayler's case for many MPs who were universally dismayed by his actions, and keen to make an example of the Quakers.¹⁷⁶ Hence Nayler was sent up to be tried in London.

This appears to make sense of the conflicting Parliamentary arguments for either having Nayler tried in a lower court by existing laws; or brought before the bar to be sentenced by Parliament by their judicatory power; or, to employ their legislative power to bring in a bill by which to try him after the offence. The proper way to proceed was evidently unclear. It was emphasised that this was a new case and this was argued as justification for not referring Nayler to an 'inferior jurisdiction'.¹⁷⁷ When Lord Strickland contended that Nayler should not be first condemned and then tried but have a 'fair' trial, Colonel Cox responded that there was no law to 'this purpose', illustrating the conviction that Nayler would not be punished or at least sufficiently punished before a lower court or under the Blasphemy Act.¹⁷⁸

MPs argued extensively over how to proceed. Some contended that the committee's report was satisfactory evidence that Nayler was guilty of, and should be charged with blasphemy, and debate should move forward to punishment; others urged further examination of Nayler and witnesses, and deliberation over whether his offence was blasphemy or not.¹⁷⁹ The more cautious MPs who argued for a lesser punishment expressed concern that to simply agree with the report was to sign Nayler's death warrant, and considerable opposition was made against agreement without further examination. As

¹⁷⁶ Peters, *Print culture and the early Quakers*, p. 237

¹⁷⁷ [5 December 1656], *BURTON V.1*, p. 32

¹⁷⁸ [6 December 1656], *ibid.*, pp. 38-39

¹⁷⁹ [5-6 December 1656], *ibid.*, pp. 25-45

Colonel Sydenham argued ‘It may be anyman's case, hereafter, to be accused for an offence, and from the bare Report of a Committee, to have the sentence of death passed upon him without further hearing.’¹⁸⁰ That death was being so strongly urged as a punishment suggests a hardened mood towards religious offenders.

Protecting the future safety of the godly was foremost in many minds, whilst providing stricter measures against blasphemy and heresy preoccupied others. The inadequacies of the Instrument, due to the vagueness of its definition of orthodoxy and offer of liberty, were raised during the course of debate as obstacles to punishment. Whilst hastening to declare support for liberty, Colonel Cox blamed it for such blasphemies as Nayler’s, which clearly exceeded reasonable liberty. Major General Phillip Skippon expressed a common anxiety that nothing would be done in the matter, complaining that ‘These Quakers, Ranters, Levellers, Socinians, and allsorts, bolster themselves under thirty-seven and thirty-eight of Government, which, at one breath, repeals all the acts and ordinances against them.’¹⁸¹ The legal way of proceeding remained an ambiguous issue: Captain Bayne recommended that if laws existed against blasphemy Nayler should be tried in a court, or else a new law should be brought in where the Lord Protector would then have a negative. He raised uncertainty whether Cromwell ‘may stick and demur’ over the Instrument’s offer of liberty to those professing faith in God through Christ, which, he added ‘I suppose, this man does’.¹⁸² (As we have seen to whom this liberty was intended to be extended was a frequent bone of contention.) Mr Downing however argued that if Nayler were brought before Cromwell he would have changed the law to exclude him; he expressed hope that the Instrument would not shelter ‘this wretch’. God ‘has left it to you to vindicate his honour and glory. Now see what you will do. This is the day of temptation,

¹⁸⁰ [6 December 1656], *Ibid.*, p. 42

¹⁸¹ [6 December 1656], pp. 38, 48-50; for more on the Instrument see, [8 December], *Ibid.*, pp. 59-62

¹⁸² [8 December 1656], *Ibid.*, p. 59

and trial of your zeal.’¹⁸³ As Damrosch emphasises, Nayler’s interrogators faced a dilemma; whilst ‘primitive miracles’ were evidence of the veracity of Christian claims contemporary miracles were viewed with suspicion. It was thus vital to prove Nayler was not an inspired vehicle of the Holy Spirit but an imposter.¹⁸⁴

In the event, Nayler was brought before the bar for re-examination on 6 December.¹⁸⁵ He confessed all in the report but the accusation of lewdness with Mrs Roper. It is interesting that when he was called in again, Burton reported that he ‘answered pretty orthodoxly’ Sir Gilbert Pickering’s question ‘about what his hope was in Christ’s merits, and how he prayed to that Christ that died at Jerusalem’.¹⁸⁶ The outcome of his examination raised further dispute over how to define his offence, for there was considerable disagreement over whether he was guilty of blasphemy or error (the latter being considered a lesser offence), a new offence, or as some proposed ‘horrid blasphemy’. Some MPs stuck at calling Nayler’s offence blasphemy at all, at least without making it clear according to Scripture and by law what ‘blasphemy’ particularly was. This appears to have been primarily because defining and punishing the offence were inseparably linked throughout discussion. When Major General Goffe had appealed for agreement that Nayler was ‘guilty of blasphemy’ the Speaker instructed him not to ‘complicate the question’, as he ‘maybe guilty of matter of fact, and not of matter of law.’¹⁸⁷ Lord Walter Strickland offered that from what he had heard he did not believe Nayler claimed to be Jesus, although the women appeared to believe he was Christ; ‘he is under a sad delusion of the devil... He believes that more of Christ is in him than in any other creature; but he showed no malice to Christ, or envy’. Excommunication and banishment with Biddle as a ‘seducer’

¹⁸³ [8 December 1656], *Ibid.*, pp. 60-61

¹⁸⁴ Damrosch, *The Sorrows of the Quaker Jesus*, p. 189

¹⁸⁵ For a discussion of Nayler’s interrogation questions and answers, see: Damrosch, *The Sorrows of the Quaker Jesus*, pp. 177-229

¹⁸⁶ [6 December 1656], *Ibid.*, pp. 46-48

¹⁸⁷ [6 December 1656], *BURTON V.1*, pp. 52-53

would be more appropriate than death for blasphemy. Behind the hesitations and qualifications was an anxiety over the precedent Nayler's case would set for posterity.¹⁸⁸ The Lord President Lawrence similarly cautioned moderation citing Jesus' reproof of his disciples James and John for wanting to call down fire upon those rejecting him; if, he argued you hang 'every man that says, Christ is in you the hope of glory, you will hang a good many'. He also did not believe that Nayler believed he was the only Christ, but that Christ was 'in him in the highest measure'; this was sad but he was not satisfied that it was blasphemy, 'It is hard to define what is blasphemy'.

This was too much for Skippon who retorted that this denied the magistrate any power in matters of religion.¹⁸⁹ Sir Gilbert Pickering however also expressed uncertainty over the nature of Nayler's offence, admitting its idolatry, but suggesting extenuation on the basis of Nayler's own admission that his followers 'do nothing but what God commanded them'. Interestingly he here compares Nayler to Paul Best by quoting Mr Seldon's remark at Best's examination 'that he was a better man than he understood himself to be.' So may Nayler be who did not claim to be God's son, but 'a prophet, a type, a sign, to warn men of the second coming of Christ'.¹⁹⁰ Colonel William Sydenham objected to compounding all Nayler's 'crimes' under the 'improper title' of blasphemy; 'These Quakers, or Familists, affirm that Christ dwells personally in every believer', by drawing this into precedent 'you may proceed against all of that sect'. Yet, he feared this 'will be dangerous to posterity' because of 'the nearness of this opinion to that which is a most glorious truth, that the spirit is personally in us.' He pointed out that if some former Parliaments 'were sitting in our places, I believe they would condemn most of us for hereticks.'¹⁹¹ [John] Desborough offered his agreement that the House should enumerate

¹⁸⁸ [8 December 1656], *Ibid.*, pp. 56-57

¹⁸⁹ [8 December 1656], *Ibid.*, pp. 62-63

¹⁹⁰ [8 December 1656], *Ibid.*, pp. 64-65

¹⁹¹ [8 December 1656], *Ibid.*, pp. 66-69

Nayler's 'blasphemy, heresy, idolatry, and that he is a seducer and an impostor', for where 'the law of God and law of man is silent' it was unchristian to condemn any for death, when even in the Gospel punishment is not given for 'false Christs...but only to bid us take heed of them, beware, and the like'.¹⁹² For comparison, Mr Bordura pointedly raised the example of John Moore, who during Elizabeth's reign had explicitly called himself Christ, and was awarded no greater punishment than being whipped from prison to Bedlam, whereupon he admitted his imposture. The case of William Hacket, another Elizabethan blasphemer who suffered public punishment, was also raised several times, and the influence of this example is evident in Nayler's eventual sentence.¹⁹³

Those MPs militantly arguing for a merciless outcome declared it 'horrid' rather than simple blasphemy and thus deserving of death; this prompted the more moderate members, who urged a lesser punishment, to object that the term 'horrid' was ambiguous and unscriptural. As Major-General Disbrowe objected, 'It is either by the rule of the scripture, or the law of the land; else how can you judge what is blasphemy. I know no such words as "horrid blasphemy" in scripture.'¹⁹⁴ Conversely, as Lord John Claypole protested, if they omitted 'the word horrid' and did not administer 'a proportionable punishment', it would be hard to justify Parliament's involvement with his case and why Nayler was not tried in a lower court by existing laws. Eventually, it was resolved 'That James Nayler, upon the whole matter, in fact, is guilty of horrid blasphemy', and 'That the said James Nayler is also a grand impostor, and a great seducer of the people'. Upon a 'motion of mercy' a short period was to be given to allow divines to be sent to reason with Nayler.¹⁹⁵

¹⁹² [8 December 1656], *Ibid.*, pp. 72, 71

¹⁹³ [8, 9 December 1656], *Ibid.*, pp. 72-73; 58, 68, 88

¹⁹⁴ [8 December 1656], *Ibid.*, pp. 53-55

¹⁹⁵ [8 December 1656], *BURTON V.1*, pp. 77-80

Deliberation continued over the form of punishment Nayler should receive. Some moved for death by a bill of attainder, Judge Smith even suggesting the Old Testament way of stoning; others (including Sir Charles Wolsey, the Lord President and Lord [John] Fiennes) attempted to lessen the severity of the crime and punishment, suggesting instead whipping, the pillory, imprisonment, branding, tongue-boring and mutilation. Sir John Reynolds opposed drawing up new legislation and recommended moderate punishment under the force of existing laws, ‘the judicial way’.¹⁹⁶ Amidst division over imposing either corporal punishment or death on 10 December, Skippon informed the House that ‘there is a paper offered at the door, that we would assign what is blasphemy, that others may beware of it.’¹⁹⁷ This was a stark reminder that the eyes of the public were on Parliament to see what they would decide, and of their obligation to provide justice. Deciding upon a punishment was particularly difficult, because it fed into wider debates over interpretation of the moral law and the legitimate punishment for blasphemy. The significance of an understanding of how civil law differed under the New Testament from the Old, and under a ‘Gospel dispensation’, in matters of the moral and ceremonial laws emerged as it had during the Whitehall debates. Particularly Leviticus 24:16: ‘And he that blasphemeth the name of the Lord, he shall surely be put to death, and all the congregation shall certainly stone him: as well the stranger, as he that is born in the land...’¹⁹⁸

The problem centred on the lack of positive rules given for magisterial punishment in the Gospels and New Testament. As Sir William Strickland pointed out, taking their rules from these Old Testament texts would mean to ‘make Sabbath breaking and disobedience to parents, death. I am not clear how to execute these laws in the one, and not in the other.’ Again, as during the Whitehall debates, the question of natural light and

¹⁹⁶ [9 December 1656], *Ibid.*, pp. 89-92

¹⁹⁷ [10 December 1656], *Ibid.*, pp. 86-101

¹⁹⁸ [10, 11 December 1656], *Ibid.*, pp. 99-100, 112-114

natural law was raised as legitimation for executing Nayler; this was likewise objected to on the grounds that the light of nature could not lead any to knowledge of Christ.¹⁹⁹ Some like Major General William Packer argued from the Gospel parable that ‘Tares may turn to wheat’, and ‘That tongue that has blasphemed, may glorify God,’ while others like Major General Edward Whalley argued that the moral law made cursing and blasphemy a capital crime which had not been repealed.²⁰⁰

Commitment to urging death as a punishment caused one member to recommend a revival of the Medieval heresy laws in order to bring Nayler under the judgement of the Common Law; Mr Ashe Junior proposed ‘It is death by the common law, blasphemy and heresy, and it is true till 2d Henry IV’. This is a reference to the Common Law tradition of issuing a royal writ *De Heretico Comburendo* for the burning of a heretic, following their condemnation in Convocation, (or in a bishop’s court after the passing of the Parliamentary statute *De Heretico Comburendo* under Henry IV). What would have alarmed Puritans most is that this statute did not define what heresy was, and, had been notoriously employed against Protestants and their Lollard predecessors.²⁰¹ Predictably this suggestion was shouted down with cries of alarm over opening a floodgate for the persecution of all Protestants; there was a very real anxiety amongst those inclined to mercy over the precedent this case would set, not just in terms of defining blasphemers but also over the judicial proceedings for trying a blasphemer. As Luke Robinson protested this law made all English Protestants heretics, and, by this rule made under Popery, ‘we must all suffer death’; it should not be left ‘arbitrary to the judgment of after parliaments to determine what is blasphemy’. To err in mercy was preferable to erring in justice.²⁰² [John] Thurloe had also expressed his understanding that in clear, heinous offences Parliament could

¹⁹⁹ [13 December 1656], *Ibid.*, pp. 131-135

²⁰⁰ [10 December 1656], *Ibid.*, pp. 100-103

²⁰¹ See chapter one

²⁰² [12 December 1656], *BURTON V.1*, *Ibid.*, p. 119

heighten punishments for existing offences, but remarked that ‘I should be sorry to see those old laws against heretics put in execution now. I know no law in force at this day against blasphemy; unless it be that of the Old Parliament.’²⁰³ The ‘unless’ suggests ambiguity over the forcefulness of the Blasphemy Act. By 15 December debate over the moral law, and whether a law existed for punishing blasphemy, had ended without resolve.²⁰⁴

On the 16 December, Colonel White finally desired a question to be put; voting whether ‘the Question for the higher punishment should be put or no’, Burton reports, ‘We, the Yeas that staid in, were 82. ... The Noes that went out were 96.’²⁰⁵ Putting the question for the lesser punishment it was finally resolved that the next Thursday in ‘the New Palace Westminster’, Nayler would be set with ‘his head in the pillory’ for two hours, and ‘whipped by the hangman through the streets of Westminster to the Old Exchange, London’. There, on the next Saturday between eleven and one his head would be set again in the pillory. In both places he was to wear a paper inscribed with his crimes and at the Old Exchange ‘his tongue shall be bored through with a hot iron’, and he shall be ‘stigmatized in the forehead with the letter B’. Thereafter, he shall be sent to and conveyed through Bristol city ‘on a horse bare ridge, with his face back’, and publicly whipped ‘the next market-day after he comes thither’. Finally, he was to be ‘committed to prison in Bridewell, London’ where he would be denied ‘the society of all people, and kept to hard labour’ until released by Parliament; he was ‘debarred of the use of pen, ink, and paper’ and to be refused any ‘relief but what he earns by his daily labour.’²⁰⁶

The act of riding backwards was a reflection of Nayler’s inversion of natural order, whilst parodying his earlier entry into Bristol on a colt; public humiliation, particularly in

²⁰³ [11 December 1656], *Ibid.*, pp. 107-112

²⁰⁴ [15 December 1656], *Ibid.*, pp. 136-148

²⁰⁵ [16 December 1656], *Ibid.*, p. 152

²⁰⁶ [16 December 1656], *Ibid.*, p. 158

Bristol where he committed the offence, would demonstrate to people that such blasphemous behaviour would not be tolerated. It seems even more remarkable that it was agreed to bore through Nayler's tongue, for this penalty, as noted previously, was inflicted in the Army but was not consented to even in the harsher terms of the Heresy Ordinance. Clearly, there was a strong degree of outrage and perhaps even fear over the proliferation of blasphemers and corruptive false teachers. Even this litany of punishments was considered too lenient by some who had earlier argued for his tongue and lips to be slit, and his hair cut off – another suggestion had been to cut off his hand.²⁰⁷ Nayler was to receive his judgement at the bar on 17 December; on this day debate recommenced over whether to allow Nayler to speak again in his own defence. Amongst those arguing that Nayler should be heard, the Lord Chief Justice cautioned that this would be a new and precedential case, for the House of Lords (whose authority they had assumed) would have only proceeded judicially in accordance with existing laws. It was argued that Nayler may yet recant and reformation was the true end of punishment. Others dissented, claiming that not only would this give him an excuse to feign repentance and avoid all punishment, but that he could challenge their authority for passing judgement. In the end, Nayler was denied the chance to speak, and sentence passed.²⁰⁸ As Damrosch argues, had this matter rested only on what Nayler had done punishment would have been simpler; however, it was complicated by the significance of what Nayler thought his actions meant. He notes: 'it would seem monstrous to punish him for a repudiated former state' of mind if he should have recanted.²⁰⁹ Nayler's case raised such controversy and contention amongst MPs, not only because of alarm over heresies and blasphemies which were perceived to be

²⁰⁷ Long hair was clearly associated with his group; interestingly, Major-General Whalley remarked: 'Do not cut off his hair; that will make the people believe that the Parliament of England are of opinion that our Saviour Christ wore his hair so, and this will make all people in love with the fashion.' [16 December 1656], *BURTON V.1*, pp. 153-157

²⁰⁸ [17 December 1656], *Ibid.*, pp. 163-167

²⁰⁹ Damrosch, *The Sorrows of the Quaker Jesus*, p. 217

overrunning the nation, but also because of disagreement over the grounds for and sanctity of religious liberty. Apprehension over potential persecution of the godly in the future and over the legality of proceedings, vied with alarm and outrage over the public contagion of blasphemous errors.

18 December several petitions were read in Parliament against Quakers, which after debate, along with the cases of Nayler's companions were referred to Nayler's committee.²¹⁰ Worden plausibly argues that the 'moves against Nayler were clearly a prelude to a broader attack on the Quakers', and he notes the 'efficiency and shrewd timing' with which these petitions were produced.²¹¹ However, it could also be that as with previous cases, Nayler's fed into wider concerns and was the case that pushed them into action; the petitions could have been submitted in response to his particular case in the hope of gaining support from Parliament to suppress Quakers more generally.

On 20 December a petition on behalf of Nayler was made and granted for the delaying of his punishment by one week due to sickness; both physicians and ministers were ordered to be sent to him.²¹² On 23 December a petition from 'divers peaceable and well-affected persons in and about the City of London' was narrowly voted to be received, appealing for remission of the rest of Nayler's sentence, leaving him to 'Gospel remedies, as the proper, way to reclaim' and upon grounds of liberty of conscience; this nettled several MPs as their judgement had been passed, and Nayler had seemingly made no motion to recant.²¹³ Debate was adjourned until the 29 where nothing of the matter is recorded in Burton's Diary.

²¹⁰ Petitions were received from the West, from Northumberland, Durham, and Newcastle, Cheshire, Bristol, Cornwall, Exon and Devon, and letters from Dublin, Dorset and Exeter complaining about the increasing numbers of Quakers. [18 December 1656], *BURTON V.1*, pp. 168-169; [18 December 1656], *Ibid.*, pp. 172-175; '18 December 1656', *CJ V.7*

²¹¹ Worden, 'Toleration and the Cromwellian Protectorate', p. 122

²¹² [20 December 1656], *BURTON V.1*, pp. 182-183

²¹³ [23 December 1656], *Ibid.*, pp. 209, 215-218

Significantly, on 26 December, a letter had been read out in Parliament from Cromwell, ““Having taken notice of a sentence by you, given against one James Nayler, albeit we do abhor such wicked opinions and practices, we, being interested in the Government, desire to know the grounds and reasons how you proceeded herein without our consent.”” This led to a prolonged debate over the jurisdiction of Parliament, continuing on the 27 and 30 December; it was decided to reject the petition and continue with Nayler’s punishment, whilst Cromwell’s letter would be debated on Tuesday 30 December.²¹⁴ On the Tuesday it was put off further until 2 January when other business was pressed instead and the matter was dropped.²¹⁵ As Worden surmised, ‘Parliament correctly believed that it could safely leave [Cromwell’s question] unanswered’.²¹⁶ However, Cromwell’s unease over the proceedings was expressed again to the Officers of the Army in March 1657: ‘it is time to come to a settlement, and lay aside arbitrary proceedings, so unacceptable to the nation. And by the proceedings of this Parliament, you see they stand in need of a check, or balancing power, (meaning the House of Lords, or a House so constituted) for the case of James Nayler might happen to be your own case. By their judicial power they fall upon life and member, and doth the Instrument enable me to control it?’²¹⁷ Damrosch argues a constitutional struggle between Protector and Parliament underlay debate over Nayler; ultimately he considered that Cromwell did not interfere because he needed Parliament’s financial support, and because, whilst the punishment was overly harsh he believed Nayler actually had blasphemed.²¹⁸

²¹⁴ [27 December 1656], *Ibid.*, pp. 260-265

²¹⁵ [30 December 1656], *Ibid.*, p. 282; 2 January, pp. 294-295

²¹⁶ [26 December 1656], *Ibid.*, pp. 246-258; [27 December 1656], *Ibid.*, pp. 260-265; Worden, ‘Toleration and the Cromwellian Protectorate’, p. 226 –Worden quotes Cromwell responding to a petition on behalf of Nayler, as saying that Nayler ““asserts from the letter of the Scriptures such things as are contrary to the common principles written in every man’s heart””, - from *To the Officers and Souldiers of the Army* (E 902(4)), p.3

²¹⁷ [7 March 1657], ‘Passages between the Protector and the hundred Officers of the Army touching Kingship’, *BURTON V.1*, p. 384

²¹⁸ Damrosch, *The Sorrows of the Quaker Jesus*, pp. 180-181, 219-221

The rest of Nayler's sentence was duly carried out. During Nayler's stint at the pillory on 27 December he was attended by his followers; Simmonds, Stranger and Erbury took up positions like the women at the cross, and Robert Rich reportedly comforted him with 'words, kisses, and stroakings on his face'. Nayler apparently faced his punishment bravely, 'freely' putting out his tongue which the executioner bored through with 'an Iron. about the bigness of a Quill', hardly stirring when his forehead was marked, and thereafter embracing the executioner. Not only did Rich out of 'ardent affection' lick the wound on Nayler's forehead, he covered over the superscription above Nayler's head which read "*For HORRID BLASPHEMY, GRAND IMPOSTURE, and SEDUCING OF THE PEOPLE*", with the sign '*THIS IS THE KING OF THE JEWS*'.²¹⁹ Thus as Leo Damrosch observes, 'In the opinion of his supporters Nayler's prophetic sign had now produced its logical conclusion, a symbolic crucifixion.'²²⁰ On 28 February MPs resolved to inquire into the conditions of Nayler's continued imprisonment, presumably due to concerns raised over his health; on 26 May he was reported as being in Bridewell and leave was given to assign him a Keeper, and have ministers confer with him.²²¹ Although the conditions of his confinement were relaxed slightly, Nayler remained imprisoned until the revived Rump Parliament, during what Damrosch calls a 'short-lived mood of religious tolerance', issued an amnesty to Quakers in September 1659. Nayler was released on 8 September.²²²

Although concerns were expressed over how, or whether, to apply the Blasphemy Act in the more controversial cases of Biddle and Nayler, as the examples of prosecution cited above demonstrate the Act was, and continued to be enforced throughout the 1650s. The findings of this chapter have also clearly illustrated that charges of blasphemy did not

²¹⁹ Damrosch, Leo, 'Nayler, James (1618–1660)', *ODNB*; Quoted in: Deacon, John, *The grand impostor examined: or, The life, tryal, and examination of James Nayler, the seduced and seducing Quaker with the manner of his riding into Bristol. Whereunto is added, the sentence passed upon him by the High Court of Parliament*, (1657), p. 23

²²⁰ Damrosch, 'Nayler, James (1618–1660)', *ODNB*

²²¹ '28 February 1657', *CJ V.7*; '26 May 1657', *CJ V.7*

²²² Damrosch, *The Sorrows of the Quaker Jesus*, p. 265; Damrosch, 'Nayler, James (1618–1660)', *ODNB*

go undisputed, and concerns about loose or subjective interpretations of the legislation were shared by both the accused and a significant number of those godly who strongly supported liberty of conscience. Central to these disagreements, after its proclamation, was the Instrument of Government. The concerns and disagreements over what should be tolerated hindered efforts to bring in stronger measures to either punish heterodoxy, or establish a more precise definition of orthodoxy as a condition for liberty. However, it is evident, particularly in the mid-later 1650s, that when alarm over influential heretics and sectaries escalated, motions for a more restrictive liberty increased, and examples were made of high profile 'blasphemers' in an attempt to re-assert an authoritative orthodoxy. Ultimately however, it appears that anxiety, particularly amongst more radical Independents and separatists, to ensure against their own future persecution, and the unsettled political state of the nation, crippled legislative attempts to more rigorously enforce 'orthodoxy' in the 1650s.

Chapter Six

Conclusion

During the 1640s and 1650s, for Puritans in power and the rest of the godly, the problem of how best to re-shape orthodoxy and reclaim or punish heretics was integral to the central debates over religion. When civil war broke out not only did a previously unheard of number of heterodox challenges explode in print and heterodox public preaching increase, Puritans entered a novel position of power, where the possibility of employing civil sanctions to enforce their vision of orthodox doctrine and practice arose for the first time. At the same time, those structures for enforcing uniform ‘orthodoxy’ – which required control of clerical appointments and the messages preached, lay attendance and activities outside of the Church – were no longer viable. The reasons for this were complex. Legislation and discipline before Elizabeth (except briefly during Edward’s reign) were mostly drawn up and employed against those recognized as either Protestants or Protestant predecessors, which complicated appeals to these traditions as a precedent for dealing with heretics in the 1640s/50s. Also, the ecclesiastical and legal apparatus previously employed to discipline heretics was dismantled in the early 1640s, largely because of its association with persecution of the godly in the 1630s. This placed Parliamentarians in something of a quandary regarding lawful procedure.

Furthermore, of equal significance to the practical issues, deep divisions amongst Puritans over how to draw the boundaries of orthodoxy in both theological and ecclesiological terms, and over the legitimacy of employing coercion to promote adherence to orthodoxy, stalled decisive action against heretics. The dismantling of Episcopacy and rejection of the royal supremacy opened up a context in which people were enabled to

approach old controversies and debates with new eyes, and this included the issue of authority and interpretation of Scripture. Consequentially, not only the doctrines of Reformed ‘orthodoxy’ came under scrutiny, but also the legitimacy of the authority of those who claimed the right to define orthodoxy and penalise those who dissented from the Scriptural interpretation it was founded on. Clearly, a unanimous doctrinal consensus had not existed before the 1640s, or even before Laud’s ascendancy, but previously tensions within a Reformed consensus were glossed over and contentious topics prohibited from pulpits.

Some historians have argued for an increasing level of toleration throughout this period, brought about by powerful arguments for freedom of conscience. However, consideration of the arguments and practical responses to these debates appears to suggest that whilst liberty in varying measures was urged and did exert a significant influence, especially on the policies of the 1650s, the heart of the matter revolved around how people came to know Christian truths. This was bound up with defining the identity of genuine Christians, as opposed to the misguided or deceivers led by Satan and anti-Christ; the Church, whether the voluntarily gathered godly or a national institution; and the drive to transform the people and kingdom into God-pleasing states of purity and obedience. Differing views over these issues impacted on whether people believed reform would be achieved in the individual heart by the Spirit, or by the power of the magistrate, and thus how identified heretics should be responded to.

Alliance with the more strongly Reformed Scots under the terms of the Solemn League and Covenant placed pressure on the Assembly and Parliament to produce a settlement that was not only Reformed in doctrine but also Presbyterian in government. Whilst there was strong support within the Assembly for a form of Presbytery, there was resistance from members who contended for greater congregational autonomy, whilst

Parliament opposed allowing Presbyters autonomy or final authority in spiritual matters. The consequent delay over establishing church government and discipline was blamed by many Presbyterians for the outbreak of heresies; enforced uniformity of doctrine and attendance were considered essential for regulating orthodoxy, and without the means to systematically punish recusancy or regulate services this left only Parliament and an educated ministry to man the defences.

Looking back to the mid-sixteenth century, the accession of Edward VI has been shown to have produced a parallel situation where excitement over reform and relaxed censorship resulted in increased theological speculation. Another aspect of Edward's reign that is worthwhile comparing with the 1640s and 1650s are the attempts under Cranmer to instigate canonical reform through the *Reformatio Legum Ecclesiasticarum*. Although never ratified or implemented, the influence of the section which dealt with heresy and blasphemy can be traced through doctrinal parallels with the Elizabethan 39 Articles, and less directly the Westminster Confession and Heresy Ordinance. Furthermore, it distinctively stressed reclamation over eradication, and thus set forth permanent imprisonment or banishment as the highest civil punishment; this was echoed in the Blasphemy Act which permitted the death sentence reluctantly and only in cases of disobedience to the sentence of banishment inflicted for a second offence.

However, in contrast with the 1540s and 1550s which responded to the eruption of new ideas by imposing strict uniformity and publicly burning two anti-Trinitarians, attempts to assert similar measures in the 1640s and 1650s failed. This was predominantly because support was divided for both Presbyterianism and corporal punishment for heresy, and as stated above, the institutions responsible for enforcing orthodoxy had been abolished. It is also worth pointing out that Protestant orthodoxy as achieved by Elizabeth

succeeded in part because of the duration and stability of her reign, two elements missing over the Civil War and Interregnum years.

During the sixteenth century there developed a narrowed definition of heresy; by Elizabeth's reign heresy was set out only according to the canonical Scriptures, the Early Church creeds, or by the authority of Parliament and Convocation. Increasingly, the most serious heresies were associated with challenges to fundamental doctrines, for which the executions for heresy during Protestant reigns took place. From the advent of reform in England creeds played a significant role in defining the bounds of doctrinal orthodoxy; the status of creeds however provoked contention in the 1640s and 1650s, even within the respectable circles of the Westminster Assembly, as we see with their omission from the Westminster Confession, the 16 Propositions of 1647, and the failure of respectable Congregationalist divines and MPs to impose a list of fundamentals in the 1650s. The Puritan dislike of imposed set forms of worship, and a strand of Protestant Biblicism combined to produce a rejection of imposed creeds, or anything not directly warranted by Scriptural teaching, especially the New Testament. Those who placed a higher emphasis on the role of the Spirit in aiding individual interpretation or gradual understanding of Scripture, or convincing the mind by rational explanation, tended to be more cautious about – or outright resistant to – defining a Christian by a long, exclusively prescriptive set of doctrines. This cautious and tentative concern to protect all belonging to God and thus provide a wider latitude for 'orthodoxy', tended to also be influenced by arguments against compulsion in matters of Christian faith (or for a radical minority, all faiths), and thus questioned the magistrates' role in religion and/or authority over the Church. These strands warred with those who insisted on the need to enforce a rigid Reformed orthodoxy of doctrine and church government, who tended to support an active role for magistrates in

defining, punishing, and ruling over matters of religion, and in the most intransigent heresy cases inflicting the death penalty.

Chapter two has shown how Best's case highlighted many of these issues surrounding heterodoxy and orthodoxy, exposing a can of worms. He opposed fundamental doctrines, and challenged the Protestant interpretation of history and claim to orthodoxy, arguing that the Early Church and thus its creeds were corrupted from the purity of Apostolic teachings. Yet as we have seen, to the dismay of the orthodox, disputation with learned divines failed to convince Best of his errors largely because of divergent approaches to and interpretations of Scripture. Even when the truth of the reports about Best had been confirmed by examination and committee, there was indecision and disagreement over what to do with him. Committees of MPs, ministers, Assembly members and lawyers were appointed to consider and report on his case, and the state of the law in cases of heresy and blasphemy. Some clearly felt his repugnant opinions and obstinacy merited the death penalty, and past cases like that of Legate were brought up in support (although hanging and not burning was the suggested method of execution). Lacking the traditional procedures and legal pathway for punishing heretics, an ordinance for enabling his execution was ordered, and was in fact drawn up and read twice, in March 1646, but then set aside. His case illustrates the division in the House, either over the legality of proceedings (e.g. punishing Best by a law brought in after the commitment of his offence, a dangerous precedent for the godly), or uncertainty over execution; attempts to reclaim him continued, whilst in committee his case was postponed, and was gradually diverted into a broader discussion of how to respond to heresy generally. The significance of Best's case was heightened because it prompted and was contingent with ongoing debates about doctrine, government and liberty; the long period for which he was left

indeterminately in prison and his eventual release illustrate the division and indecision within Parliament over what to do with him, and other heretics.

Best's case and the problem of spreading heresies were discussed in public; they were publicised in printed pamphlets and in Parliamentary newsbooks. Parliamentary proceedings with the ordinance against him and then heretics and blasphemers more generally mobilised public involvement and debate, as did rumours of an impending petition for liberty. Opinion divided in support of or opposition to the Ordinance. Increased demands for establishing the Church government and fulfilling the Covenant fitted into this. Best represented different things to people who interpreted Scripture diversely and disagreed over how to define/defend orthodoxy. He was either evidence of the need for civil punishment, or action against him was cause for anxiety over future persecution. Many arguments for liberty hinged on opposition to coercion and the belief that people should be convinced by arguments, the Bible, prayer, and God's spirit, and that force was ineffective and unsupported by the New Testament. Conversely, it was argued liberty would poison souls, and heresy was thus worthy of death regardless of whether offenders kept the peace or not. Outrage was expressed at the very idea of not suppressing public heresies; heterodox opinions should not be tolerated as individualism would lead to chaos, disorder and the world turned upside down.

It has been my intention throughout this thesis to illustrate how disagreement over the correct interpretation of Scripture was a major sticking point for Puritans. Fundamental disagreements included how to define which beliefs were central for salvation, and which beliefs were heretical and soul-damning, and, underlining all disputes on these doctrinal issues, when a heretic was identified what method (out of multiple Scriptural strands) for dealing with them was in line with God's will? The Assembly attempted to clarify this issue of authority, declaring in the Confession that Scripture was the source of all doctrine,

and the rule of its interpretation was Scripture itself. All creeds were therefore to be judged by the Spirit speaking in Scripture. This did not however resolve the dilemma; there was great opposition to individualist interpretations of Scripture, particularly by ‘uneducated’ mechanics, and radical claims that the Spirit directly revealed the meaning of Scripture to a reader which often went hand in hand. Even more radical and vehemently opposed were claims to direct spiritual revelation which overruled or bypassed Scripture and an educated clergy. These reactions were not only attempts to restrict heterodox interpretations, but were also a response to challenges posed to the educated monopoly of spiritual authority, which sat in uneasy tension with aspects of early Protestant proselytising, and belief that God chose to work through weak and unlikely vessels.

The arguments opposing a liberty of conscience have to be interpreted within the context of viewing England as an elect nation, set apart like Israel to be kept holy. Analysis of the 1640s fast sermons that inveighed against heresy reveals that it was this close identification with Israel and the Old Testament model of government and laws that lay behind the widespread conviction that magistrates had power and a duty to intercede in matters of religion, employing compulsion and punishment. This way of reading the Old Testament was an influential one, and enjoined a collective responsibility for sin where all would be punished even for the sins of a few. Heresy as a sin was widely understood to be destructive to the Church, individual souls, the nation, and dishonouring to God; but not simply because it was a sin of itself, but because it was believed it would destroy the faith altogether, leading eventually to a rejection of godliness and of God himself. Particularly in a Millenarian context this view lent urgency to making the ideal of a holy commonwealth reality. Whilst some preachers like Stephen Marshall claimed that only Christians should be compelled to conform to orthodox doctrine and practice, the strong attachment to infant baptism created an intellectual and political framework whereby the

whole nation was essentially considered to be part of the Church, and thus all people were subject to coercion.¹

The fast sermons studied in chapter three indicate a rising concern over error between 1645 and 1647, or at least a concern to increase Parliament's awareness of this issue, before whom the majority were delivered. Heresy was an evil identified specifically and significantly with those other sins against God in the First Table of the Decalogue, idolatry and blasphemy, which particularly incited God's wrath as they signified disloyalty to him. Where the power of the magistrate was appealed to therefore, it was predominantly Old Testament verses cited in support. Magisterial control was argued to be necessary to prevent a flood of errors and vices, and the civil and ecclesiastical authorities were attributed with a pastoral role over the people where they were made culpable for the errors of others if they failed to attempt to eliminate them. When attempting to define heresy and identify heretics however, the most common source of appeal was the New Testament which presented images of heretics as seductive false teachers and self-serving prophets, and even more alarmingly, as disguised infiltrators possessing the appearance of righteousness. This fed into a view of a spiritual battle ongoing between the forces of God and Satan and anti-Christ (and thus Papists). How to identify genuine religious authority was a prominent concern; whilst educated ministers were generally asserted to be mediators of doctrine, in such unsettled times when even parish ministers could be insufficient or seducing, Scripture and the authority of Jesus were strongly urged. Individual judgement, conscience and Spiritual revelation were cautioned against as dangerous and misleading guides. Laypeople were instructed to thoroughly learn and hold fast to the fundamentals and live pure lives. When presenting the responsibilities of layfolk to oppose heretics, the New Testament was also the most frequent source of appeal.

¹ Marshall, Stephen, *Gods master-piece... March 26. 1645*, (1645), pp. 40-41

More moderate Presbyterian preachers and respectable Independents also tended to turn to the New Testament for guidance on how magistrates should respond to heretics, choosing to emphasize the importance of spiritual weapons, charity, and reasoned argument to convince people of their errors. They also urged a measure of liberty for the godly. Despite disagreement over liberty, and employment of compulsion, practically all Puritans agreed to the necessity and efficacy of prayer, fasting and hearing the Word for acquiring the divine assistance essential to reform and defending truth.

The humiliation for heresy on 10 March 1647 not only demonstrated these beliefs, it was also part of a Presbyterian endeavour to mobilise action against heterodoxy, liberty, and for establishing church discipline and government. The Ordinance ordering the fast was closely associated with the Covenant and its promise to extirpate errors, and the organising of the fast brought up reconsideration and expectations for the passing, of the side-lined Heresy Ordinance. The Fast Ordinance was to be read out from the pulpits, and was advertised in print alongside updates on settling the Church; Parliamentary proceedings with regards to religion were made very public and thus subject to greater public pressure and accountability.

All of the surviving sermons for 10 March, both Parliamentary and non-Parliamentary, opposed liberty and supported magisterial power in religion, though some skirted over forms of punishment to be employed whilst others openly supported capital punishment for heretics. All emphasised the difficulty of identifying heretics disguised as the godly. Ministers were urged to teach the fundamentals, preach warnings, and attempt to win back the erring; layfolk were to abide in the Church and its teachings, avoid promoters of division and maintain their households and holy lives; magistrates by duty should take swift action to suppress heretics. Following the 10 March Presbyterians repeatedly brought up the fast, prompting MPs to follow the advice given and carry out their implied intention

to act. The lack of decisive action that followed this day was a clear sign of continued division within Parliament.

The Heresy Ordinance as shown in chapter four was an integral part of the Presbyterian settlement, without which the only punishments legally provided would have been ecclesiastical sanctions, as the judging of heresy cases would not have come specifically under the jurisdiction of the civil courts. That religious offences came under the cognizance of the civil power for judgement as well as punishment was an indication of the Erastian temper of Parliament. As has been argued above however, due to Parliamentary divisions it was only within the context of the Scottish Engagement controversy and the threat of invasion, and Presbyterian and Royalist unrest that MPs reverted to the more strictly Presbyterian propositions for settlement, emphasis on the Covenant, and passed the Heresy Ordinance in May 1648. It does not appear to have been enforced. Following Parliamentary victory in August 1648 and Pride's Purge the power base shifted. Although anxiety over heresy did not dissipate, the influence of Congregationalists and the Army was reflected in a shift to a different vision of Church and reform. This is demonstrated clearly in the comparison of the 10 March with the 28 February 1650 humiliation, where the latter opposed carnal power as a means to promote the Gospel, and emphasised preaching, the reign of the Saints, removal of injustices and helping the distressed.

Comparison of the Heresy Ordinance and Blasphemy Act reflect this ideological shift from a Presbyterian-dominated Parliament and Assembly to an Army-backed, Independent-dominated Parliament. In the wording of the Act care is taken to demonstrate that it did not intend a liberty for all, suggesting a balancing act between those supporting liberty for the godly and those concerned liberty would be abused.

Whereas the Heresy Ordinance was wider reaching and dealt with errors in the fundamentals and opposition to Reformed orthodoxy and Presbyterianism, the Blasphemy Act targeted specific and current blasphemous and atheistical trends of thought related to God's nature and authority, morality, and human nature. As we have seen, there was a shift in emphasis under the Rump from heresy to blasphemy; explanation of this change is complicated by the interchangeable use of these two terms. It is likely to have resulted partly from the sense that firstly, blasphemy was a less contentious sin to punish as it was (at least in a narrow sense) specifically inveighed against in the Decalogue, and easier to identify because it was associated with an attitude of contempt as well as intellectual error. Secondly, as illustrated by the *Reformatio* and chapter four, blasphemy was considered a greater offence to God than heresy. As such, opposing blasphemy was less controversial, and whereas an Act against Blasphemy was passed with relatively little contention, moves to legislate against heresy in the 1650s met with considerable opposition and anxiety.

I have argued that the Independent settlement was strongly influenced by the terms of the Officers' Agreement; this was more radical than previous suggestions for settlement, and followed the lines of the Magisterial Independents who denied magistrates had a compulsive power but insisted on their authority to restrain licentiousness, blasphemy and evil doing. More radical participants at Whitehall and in the Interregnum Parliaments argued against a magisterial role in religion at all, and the limits of magisterial power remained a source of contention through the 1650s. Although the Rump did not enshrine liberty for the godly in law, compulsory attendance at the public profession was rescinded and penalties for recusancy were repealed for the peaceful and pious, remarkably Papists and use of the Prayer Book were not excluded. It is significant that, including the Blasphemy Act, Rump religious legislation focussed mostly on outward infractions of the moral law, reflecting a greater concern over godly practice than enforcing correct doctrine

(perhaps because it was easier to achieve consensus on behavioural aspects of godliness than doctrinal).

To an extent the Reformed understanding of the moral law and the role of magistrates in religion, as set out in the Presbyterian Confession and Larger Catechism reverberate through the Whitehall Debates and the Rump legislation. Zeal for public reform continued alongside a concern to provide liberty for the godly; however the Independent vision of reform was on a different trajectory to that of Presbyterian efforts in the 1640s as shown in the 16 Propositions and the evident influence of the Officers' Agreement. Magisterial authority in religion was constrained to a restrictive power against open blasphemy and licentiousness, which were given circumscribed outlines in the Rump legislation of 1649 and 1650. In disagreement with historians who have argued that the Blasphemy Act was a concession to the Presbyterians, and the Act 'for the relief of the religious and peaceable' a concession to the radicals, I have contended that both pieces of legislation formed part of the magisterial Independents' vision for a godly commonwealth. Whilst prompted by the public disturbances of pseudo-Christians and Ranters, evidence suggests that some form of restriction against blasphemy had already been intended by the Rump.

Chapter five illustrated that whilst not a common offence presented at Assize and Quarter Sessions, the Blasphemy Act was enforced in the 1650s. Accusations were often couched in the very terms of the Blasphemy Act itself suggesting concern to avoid accusations of applying the Act in too loose a sense, or of unfair prosecution. Many of these cases involved accusations where blasphemous tenets were strongly linked to licentious or irreligious behaviour, or resulted from personal feuds; the majority concerned irreligious, or contemptuous expressions, rather than endeavours to propagate blasphemous doctrines. People like Biddle and Coppin were accused of the latter however, although

these cases were not always straightforward and prosecutions did not go uncontested by either the accused, or wider members of the godly community. For, without a delineation of magistrates' powers in religion some of the godly felt dangerously exposed; even the liberty offered by the December 1653 Instrument of Government, to those having 'faith in God through Jesus Christ' was of an uncertain nature as it was never ratified by Parliament. Whilst conversely, the very vagueness of this promised liberty generated alarm amongst those pressing for stricter measures against heresy and blasphemy; this increased as many of those being prosecuted under the Blasphemy Act laid claim to liberty under the terms of the Instrument.

Responding to a number of well publicised cases of blasphemy and heresy, and Socinian publications, Congregationalists in Parliament pushed in 1652 for an assertion of a list of fundamental doctrines as the measure of orthodoxy which could not be opposed. Discussion of a confession of faith continued and was expanded to 20 Articles in 1654, but was set aside indicating a continued resistance to imposed orthodoxy or disagreement over what this should look like. Expanding magisterial power was highly contentious as the concomitant debate over enumerating heresies showed, yet there was clearly a strong sense that further means for suppressing particular forms of heresy and blasphemy were necessary; in January 1655 as with Best previously and later with Nayler, motions were made to introduce a bill against Biddle.

These endeavours were brought to a halt by Cromwell's dissolution of Parliament on 22 January, for attempts to subvert the Instrument and to limit his authority in matters of religion. Biddle's main defence when imprisoned yet again in July 1655 was liberty under the Instrument; that Cromwell intervened and had him banished amidst talk of resurrecting the Heresy Ordinance and execution, indicates the complexity of balancing a defence of a measure which protected the godly but was ambiguously vague and allowed

obvious heretics like Biddle through the loop. Legal proceedings were uncertain in these cases where the Blasphemy Act did not directly apply, and acceptable definitions of orthodoxy proved impossible to agree on. Biddle's devout and godly reputation, like Best's, further complicated proceedings, as the usual connection of immorality and heterodoxy was denied and there was reluctance to impose death for belief alone.

One reason why there was reluctance to punish on account of belief alone was that godly behaviour was promoted as a 'fruit' of the Spirit, whilst sinful behaviour was associated with those not truly following Christ or Christian doctrine. For as Baxter argued belief and practice were intimately entwined.² However, as we have seen in attempts to identify heretics, the anxiety over a disguised and infiltrating enemy was held in tension with mixed reassurances that these false prophets, wolves in sheep's clothing, could be known by their fruits, for 'every good tree bringeth forth good fruit: but a corrupt tree bringeth forth evill fruit.'³ Interestingly, Prynne argued that these evil fruits were actually 'conversation and doctrine', though 'fruit' is usually interpreted to mean behaviour.⁴ Walwyn wrote that whoever serves God sincerely 'shall be known by his fruits: his light shall so shine before men, that they seeing *his good Works*, shall Glorify our father which is in heaven.'⁵ Pagitt explained the fruit of heretics exposes them, they being 'lovers of their own selves, boasters, proud, cursed speakers, disobedient to Parents, unthankfull, unholy'.⁶ The good fruit or godly lives and good works were emphasised by those godly anxious to prevent persecution over doctrinal disagreements.

² Cooper, *Fear and Polemic*, pp. 52-53; 'Direct VIII', pp. 325-353, and 'Direct X', pp. 364-381 in Baxter, Richard, *Directions and perswasions to a sound conversion for prevention of that deceit and damnation of souls, and of those scandals, heresies, and desperate apostasies that are the consequents of a counterfeit, or superficial change*, (1658)

³ 2 Corinthians 11:13-14; Matthew 7:15-17

⁴ Prynne, William, *A fresh discovery of some prodigious new wandring-blasing-stars, & firebrands, stiling themselves new-lights, firing our church and state into new combustions*, (1645), p. 18

⁵ Walwyn, William, *A still and soft voice from the scripture witnessing them to be the word of God*, (1647), p. 10; he was citing Matthew 5:16

⁶ Pagitt, *Heresiography*, Image 11

Controversy over Nayler's case under the second Protectorate Parliament, and determination to make an example of him, has illustrated many of the dilemmas of the 1650s. With the suggested punishments for Nayler we see a real divergence of opinion over not only what constituted blasphemy, but also over the punishment set out by Scripture for blasphemers. Death by stoning in line with the Old Testament was suggested, as was resurrection of the *De Haeretico Comburendo* (to popular outcry); alternatively, lesser but gruesome corporal punishments were urged. Amidst this debate a public petition was presented pointedly asking for an enumerated definition of blasphemy so others might avoid it; this public concern over future persecution probably partly influenced the decision to inflict a combination of lesser punishments rather than death. Unease over the arbitrary grounds of Parliament's proceedings in Nayler's case was later expressed by Cromwell, though he himself did not intervene.

Concerns over liberty impeded efforts to bring in stronger measures to punish heterodoxy or a more precise definition of orthodoxy. The reasons for this I have argued are mixed: resulting partly from the dismantling of government apparatus/bodies employed in the past for this purpose; partly out of concern to avoid dangerous precedents in order to protect the godly; partly from the principle of defining truth by, and insisting on only what was clearly instructed in Scripture; and partly from uncertainty over legal procedure in the unusual circumstances of the 1640s and 1650s. Simultaneously, increasingly public radical heterodoxies provoked alarm and motions for restrictions on liberty; attempts to make examples of high profile heretics/blasphemers in both the 1640s and 1650s were responses to these tensions.

A transition appears to have occurred by the late 1640s whereby those in prominent places of influence and power came to accept the reading of Scripture which distinguished the government of Gospel nations from that of Israel. Whilst magisterial Independents

continued to look to the Old Testament for guidance on interpreting and dealing with infractions of the moral law, this was balanced by the prominence given in the New Testament to a new form of covenant with God, and an emphasis on the spiritual rather than carnal combating of error. Fundamentally, a powerful influence was exerted by arguments which emphasized the difficulty of interpreting complex places in Scripture and the impossibility of convincing intransigent minds of truth by human force; thus it was asserted that the way to overcome error and disarm stubbornness was by charity and gentle reasoning on the part of men, and the conviction of the Holy Spirit in God's own good time.

Given more time and space, the subject of combating heresy would benefit from further research into other methods of opposing heresy, such as disputations and private conferences, and catechisms and catechising. Furthermore, additional attention to the latter part of the 1650s and efforts to oppose blasphemy and heresy after Nayler, and the death of Cromwell, when disillusionment with the Interregnum experiments had set in, would yield an interesting comparison to the earlier Civil War and Interregnum years. Investigation into Royalist efforts to deal with heresy and responses to arguments over liberty would also increase understanding of this turbulent period.

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- Manuscripts, by repository
- Printed Primary Sources
- Modern Editions of Primary Sources
- Reference Works

II. Secondary Sources

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- Chapters in Books
- Articles in Journals
- Online Resources
- Unpublished Theses/Papers

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 - Gordon, Alexander, ‘Hamont, Matthew (d. 1579)’
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 - Hammond, Paul, ‘Smith, Thomas (1624–1661)’
 - Haykin, Michael A. G., ‘Kiffin, William (1616–1701)’
 - Hessayon, Ariel, ‘Bull, John (d. 1642)’
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 - Richard. L., ‘Gouge, Thomas (1605–1681)’
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Appendices

Tables

KEY for Fast Sermon Tables	
[Spec.]	Specifically preached against heresy
[Sub.]	Substantially deals with issue of heresy
[P.R.]	Passing reference(s) to issue of heresy

PRINTED FAST SERMONS (Table 1)					
Lords (7)	Commons (24)	Both Houses (4)	Common -wealth Parliament (2)	London Mayor & Aldermen (1)	Elsewhere (1)
Hill, Thomas, <i>The right separation encouraged...</i> 27 Nov 1644 [P.R.]	Hodges, Thomas, <i>A glimpse of Gods glory...</i> 28 Sep 1642 [P.R.]	Henderson, Alexander, <i>A sermon preached...</i> 18 July 1644 [P.R.]	Owen, John, <i>The stedfastness of promises...</i> 28 Feb 1650 [P.R.]	Hill, Thomas, <i>The good old way...</i> 24 April 1644 [Sub.]	Smyth, Zephaniah, <i>The Doome of Heretiques..</i> 26 May 1647 [Spec.]
Calamy, Edmund, <i>An indictment against England...</i> , 25 Dec 1644 [Sub.]	Hall, Henry, <i>Heaven ravished: or a glorious prize...</i> 29 May 1644 [P.R.]	Palmer, Herbert, <i>The glasse of Gods providence...</i> 13 Aug 1644 [P.R.]	Powell, Vavasor, <i>Christ exalted above all creatures...</i> 28 Feb 1650 [P.R.]		
Ash, Simeon, <i>The church sinking, saved by Christ...</i> 26 Feb 1645 [P.R.]	Smith, Peter, <i>A sermon preached...</i> 29 May 1644 [P.R.]	Hugh, Peters, <i>Gods doings, and mans duty ... at the last thanksgiving day...</i> 2 April 1646 [P.R.]			
Marshall, Stephen, <i>Gods master-piece...</i> 26 March 1645 [P.R.]	Vines, Richard, <i>The Posture of David's spirit when he was in a doubtful condition...</i> 22 Oct 1644 [P.R.]	Caryl, Joseph, <i>Englands Plus ultra...</i> 20 April 1646 [Sub.]			

Baillie, Robert, <i>Errours And Induration...</i> 30 July 1645 [Sub.]	Scudder, Henry, <i>Gods warning to England...</i> 30 Oct 1644 [P.R]				
Gillespie, George, <i>A sermon preached...</i> 27 Aug 1645 [P.R]	Sedgwicke, Obadiah, <i>An Arke against a Deluge...</i> 22 Oct 1644 [P.R]				
Jenkyn, William, <i>A sleeping sickness...</i> 27 Jan 1647 [P.R]	Thorowgood, Thomas, [25 December 1644, P.R]				
Hardy, Nathaniel, <i>The arraignment of licentious liberty...</i> 24 Feb 1647 [Sub.]	Walker, George, <i>A sermon preached...</i> 29 Jan 1645 [Spec.]				
	Maynard, John, <i>A sermon preached...</i> 26 Feb 1645 [Sub.]				
	Goode, William, <i>The discovery of a publique spirit...</i> 26 March 1645 [P.R]				
	Lightfoot, John, <i>A sermon preached...</i> 26 Aug 1645 [Sub.]				
	Cheynell, Francis, <i>A plot for the good of posterity...</i> 25 March 1646 [Sub.]				
	Nalton, James, <i>Delay of reformation...</i> 29 April 1646 [P.R]				

	Owen, John, <i>A vision of unchangeable free mercy...</i> 29 April 1646 [P.R.]				
	Marshall, Stephen, <i>The Right understanding of the Times...</i> 30 Dec 1646 [P.R.]				
	Sedgwick, Obadiah, <i>The Nature and Danger of Heresies...</i> 27 Jan 1647 [Spec.]				
	Arrowsmith, John, <i>A great wonder in heaven...</i> 27 Jan 1647 [P.R.]				
	Lightfoot, John, <i>A sermon preached...</i> 24 Feb 1647 [Sub.]				
	Vines, Richard, <i>The Authors, Nature, and Danger of Haeresie...</i> 10 March 1647 [Spec.]				
	Hodges, Thomas, <i>The Growth and spreading of Haeresie...</i> 10 March 1647 [Spec.]				
	Johnson, Robert, <i>Lux & Lex, or the light and the law...</i> 31 March 1647 [P.R.]				

	Ash, Simeon, <i>Gods incomparable goodnesse unto Israel...28 April 1647 [P.R]</i>				
	Case, Thomas, <i>Spirituell whoredome Discovered...2 6 May 1647 [Sub.]</i>				
	Manton, Thomas, <i>Meate out of the eater...30 June 1647 [Sub.]</i>				
	Marshall, Stephen, <i>The sinne of hardnesse of heart...28 July 1648 [P.R]</i>				

MANUSCRIPT FAST SERMONS (Table 2)			
Lords	Commons	Both Houses	Elsewhere (3)
			Gouge, [William], 'March up[o]n 10 th . 1646...' 10 March 1647, St Pauls' London [Spec.]
			Scudder, [Henry], 'The 10 th of march 1646...' 10 March 1647, St Paul's London [Spec.]
			Clogie, Alexander, 'March 10 Fast for Heresies 1647' Wigmore Herefordshire [Spec.]

REFERENCES TO NON-SURVIVING FAST SERMONS (Table 3)			
Lords (2)	Commons	Both Houses	Elsewhere (3)
Rawlinson, John, 10 March 1647, [Spec.]			White, John, 10 March 1647, St Peter's Dorchester [Spec.]
Martyn, Thomas 10, March 1647, [Spec.]			Josselin, Ralph, 10 March 1647, Earl's Colne, Essex [Spec.]
			Massy, Henry, 10 March 1647, Kendal, Cumbria, [Spec.]

TRANSCRIPT OF FAST SERMONS (Table 4)			
Lords	Commons	Both Houses	Elsewhere (1)
			Reynolds, Edward, sermon 'upon 16 Math. 24', before Westminster Assembly, 8 October 1645, [P.R]

Document Excerpts

1.) Solemn League and Covenant

A solemn League and Covenant, for reformation, and defence of religion, the honor and happinesse of the King, and the peace and safety of the three kingdoms of England, Scotland and Ireland..., (1643)

CLAUSE TWO:

'II. That we shall in like manner, without respect of persons, indeavour the Extirpation of Popery, Prelacy, (that is, Church-government by Archbishops, Bishops, their Chancellors and Commissaries, Deans, Deans and Chapters, Archdeacons, and all other Ecelesiasticall Officers depending on that Hierarchy) Superstition, Heresie, Schisme, Prophanenesse, and whatsoever shall be found to be contrary to sound Doctrine, and the power of Godliness; lest we partake in other mens sins, and thereby be in danger to receive of their plagues, and that the Lord may be one, and his Name one in the three Kingdoms.'

2.) The Decalogue

Exodus 20:1-17, 1611 King James Bible

¹And God spake all these words, saying,

²I am the Lord thy God, which have brought thee out of the land of Egypt, out of the house of bondage.

³Thou shalt have no other gods before me.

⁴Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the earth beneath, or that is in the water under the earth.

⁵Thou shalt not bow down thyself to them, nor serve them: for I the Lord thy God am a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me;

⁶And shewing mercy unto thousands of them that love me, and keep my commandments.

⁷ Thou shalt not take the name of the Lord thy God in vain; for the Lord will not hold him guiltless that taketh his name in vain.

⁸ Remember the sabbath day, to keep it holy.

⁹ Six days shalt thou labour, and do all thy work:

¹⁰ But the seventh day is the sabbath of the Lord thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates:

¹¹ For in six days the Lord made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore the Lord blessed the sabbath day, and hallowed it.

¹² Honour thy father and thy mother: that thy days may be long upon the land which the Lord thy God giveth thee.

¹³ Thou shalt not kill.

¹⁴ Thou shalt not commit adultery.

¹⁵ Thou shalt not steal.

¹⁶ Thou shalt not bear false witness against thy neighbour.

¹⁷ Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbour's.

3.) The Heresy Ordinance

'May 1648: An Ordinance for the punishing of Blasphemies and Heresies, with the several penalties therein expressed.', *Acts and Ordinances of the Interregnum, 1642-1660*, (1911)

[2 May, 1648.]

An Enumeration of several errors.;The maintaining and publishing of these with obstinacy shall be felony.

For the preventing of the growth and spreading of Heresie and Blasphemy, Be it Ordained by the Lords and Commons in this present Parliament Assembled, That all such persons as shall from and after the date of this present Ordinance, willingly by Preaching, Teaching, Printing, or Writing, Maintain and publish that there is no God, or that God is not present in all places, doth not know and foreknow all things, or that he is not Almighty, that he is not perfectly Holy, or that he is not Eternal, or that the Father is not God, the Son is not God, or that the Holy Ghost is not God, or that they Three are not one Eternal God: Or that shall in like manner maintain and publish, that Christ is not God equal with the Father, or, shall deny the Manhood of Christ, or that the Godhead and Manhood of Christ are several

Natures, or that the Humanity of Christ is pure and unspotted of all sin; or that shall maintain and publish, as aforesaid, That Christ did not die, nor rise from the Dead, nor is ascended into Heaven bodily, or that shall deny his death is meritorious in the behalf of Believers; or that shall maintain and publish as aforesaid, That Jesus Christ is not the Son of God, or that the Holy Scripture (viz.) of the Old Testament, Genesis, Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, 1 Samuel, 2 Samuel, 1 Kings, 2 Kings, 1 Chronicles, 2 Chronicles, Ezra, Nehemiah, Ester, Job, Psalms, Proverbs, Ecclesiastes, The Song of Songs, Isaiah, Jeremiah, Lamentations, Ezekiel, Daniel, Hosea, Joel, Amos, Obadiah, Jonah, Micah, Nahum, Habakkuk, Zephaniah, Haggai, Zecharia, Malachi: Of the New Testament, The Gospels according to Matthew, Mark, Luke, John, The Acts of the Apostles, Pauls Epistles to the Romans, Corinthians the first, Corinthians the second, Galatians, Ephesians, Philippians, Colossians, Thessalonians the first, Thessalonians the second, to Timothy the first, to Timothy the second, to Titus, to Philemon, the Epistles to the Hebrews, the Epistle of James, the first and second Epistles of Peter, the first, second, and third Epistles of John, the Epistle of Jude, the Revelation of John, is not the Word of God, or that the Bodies of men shall not rise again after they are dead, or that there is no day of Judgment after death; all such maintaining and publishing of such Error or Errors with obstinacy therein, shall by vertue hereof be adjudged Felony, and all such persons upon complaint and proof made of the same in any of the cases aforesaid, before any two of the next Justices of the Peace for that place or County, by the Oaths of two Witnesses (which said Justices of Peace in such cases shall hereby have power to administer) or confession of the party, the said party so accused shall be by the said Justices of the Peace committed to prison without Bail or Mainprise, until the next Goal delivery to be holden for that place or County, and the Witnesses likewise shall be bound over by the said Justices unto the said Goal delivery to give in their evidence; And at the said Goal delivery the party shall be indicted for Felonious Publishing and maintaining such Errour, and in case the Indictment be found, and the Party upon his Trial shall not abjure his said Errour and defence and maintenance of the same, he shall suffer the pains of death, as in case of Felony without benefit of Clergy.

In case of Recantation how such shall be dealt with.

But in case he shall recant or renounce and abjure his said error or errors, and the maintenance and publishing of the same, he shall nevertheless remain in prison until he shall finde two sureties, being Subsidy men, that shall be bound with him before two or more Justices of the Peace or Goal delivery, that he shall not thenceforth publish or maintain as aforesaid the said error or errors any more: And the said Justices shall have power hereby to take Bayl in such cases.

Second offence after renouncing.

And be it further Ordained, That in case any person formerly indicted for publishing and maintaining of such erroneous Opinion or Opinions, as aforesaid, and renouncing and abjuring the same, shall nevertheless again publish and maintain his said former error or errors, as aforesaid, and the same proved as aforesaid, the said party so offending shall be

committed to Prison as formerly, and at the next Goal Delivery shall be indicted as aforesaid. And in case the Indictment be then found upon the Trial, and it shall appear that formerly the party was convicted of the same error, and publishing and maintaining thereof, and renounced and abjured the same, the Offendor shall suffer death as in case of Felony, without benefit of Clergy.

Other Errors; How such shall be dealt with.

Be it further Ordained by the Authority aforesaid, That all and every person or persons that shall publish or maintain as aforesaid any of the several errors hereafter ensuing, viz. That all men shall be saved, or that man by Nature hath free will to turn to God, or that God may be worshipped in or by Pictures or Images, or that the soul of any man after death goeth neither to Heaven or Hell, but to Purgatory, or that the soul of man dieth or sleepeth when the body is dead, or that Revelations or the workings of the Spirit are a rule of Faith or Christian life, though diverse from or contrary to the written Word of God: or that man is bound to believe no more than by his reason he can comprehend; or that the Moral Law of God contained in the ten Commandments is no rule of Christian life; or that a believer need not repent or pray for pardon of sins; or that the two Sacraments of Baptism and the Lords Supper are not Ordinances commanded by the Word of God, or that the baptizing of Infants is unlawfull, or such Baptism is void, and that such persons ought to be baptized again, and in pursuance thereof shall baptize any person formerly baptized; or that the observation of the Lords day as it is enjoyed by the Ordinances and Laws of this Realm, is not according, or is contrary to the word of God, or that it is not lawfull to joyn in publique prayer or family prayer, or to teach children to pray, or that the Churches of England are no true Churches, nor their Ministers and Ordinances true Ministers and Ordinances, or that the Church Government by Presbytery is Antichristian or unlawfull, or that Magistracy or the power of the Civil Magistrate by Law established in England is unlawfull, or that all use of Arms though for the publique defence (and be the cause never so just) is unlawfull, and in case the Party accused of such publishing and maintaining of any of the said errors shall be thereof convicted to have published and maintained the same as aforesaid, by the Testimony of two or more witnesses upon Oath or confession of the said party before two of the next Justices of the Peace for the said place or County, whereof one to be of the Quorum (who are hereby required and Authorized to send for Witnesses and examine upon Oath in such cases in the presence of the party) The party so convicted shall be ordered by the said Justices to renounce his said Errors in the publique Congregation of the same Parish from whence the complaint doth come, or where the offence was committed, and in case he refuseth or neglecteth to perform the same, at or upon the day, time, and place appointed by the said Justices then he shall be committed to prison by the said Justices until he shall finde two sufficient Sureties before two Justices of Peace for the said place or County (whereof one shall be of the Quorum) that he shall not publish or maintain the said error or errors any more.

Attainders by force hereof shall not forfeit the estate or corrupt the blood.

Provided always, and be it Ordained by the Authority aforesaid, that no attainder by virtue hereof shall extend, either to the forfeiture of the estate real or personal of such person attainted, or Corruption of such persons blood.

4.) The Blasphemy Act

'August 1650: An Act against several Atheistical, Blasphemous and Execrable Opinions, derogatory to the honor of God, and destructive to humane Society.', *Acts and Ordinances of the Interregnum, 1642-1660*, (1911)

[9 August, 1650.]

Declaration 27 Sept. 1649.; Any person maintaining any of the Opinions here enumerated.; shall suffer six moneths imprisonment without Bail.

The Parliament holding it to be their duty, by all good ways and means to propagate the Gospel in this Commonwealth, to advance Religion in all Sincerity, Godliness, and Honesty, Have made several Ordinances and Laws for the good and furtherance of Reformation, in Doctrine and Maners, and in order to the suppressing of Prophaneness, Wickedness, Superstition and Formality, that God may be truly glorified, and all might in well-doing be encouraged. But notwithstanding this their care, finding to their great grief and astonishment, that there are divers men and women who have lately discovered themselves to be most monstrous in their Opinions, and loose in all wicked and abominable Practices hereafter mentioned, not onely to the notorious corrupting and disordering, but even to the dissolution of all Humane Society, who rejecting the use of any Gospel Ordinances, do deny the necessity of Civil and Moral Righteousness among men; The Parliament therefore, according to their published Declaration of the Twenty seventh of September, One thousand six hundred forty nine, *To be most ready to testifie their displeasure and abhorrency of such Offenders, by a strict and effectual proceeding against them, who should abuse and turn into Licentiousness, the liberty given in matters of Conscience*, Do therefore Enact and Ordain, and be it Enacted and Ordained by the Authority of this present Parliament, That all and every person and persons (not distempered with sickness, or distracted in brain) who shall presume avowedly in words to profess, or shall by writing proceed to affirm and maintain him or her self, or any other meer Creature, to be very God, or to be Infinite or Almighty, or in Honor, Excellency, Majesty and Power to be equal, and the same with the true God, or that the true God, or the Eternal Majesty dwells in the Creature and no where else; or whosoever shall deny the Holiness and Righteousness of God, or shall presume as aforesaid to profess, That Unrighteousness in persons, or the acts of Uncleanness, Prophane Swearing, Drunkenness, and the like Filthiness and Brutishness, are not unholy and forbidden in the Word of God, or that these acts in any person, or the persons [so] committing them, are approved of by God, or that such acts, or such persons in those things are like unto God: Or whosoever shall presume as aforesaid to profess, That these acts of Denying and Blaspheming God, or the Holiness or Righteousness of God; or the acts of cursing God, or of Swearing

prophanely or falsely by the Name of God, or the acts of Lying, Stealing, Cousening and Defrauding others; or the acts of Murther, Adultery, Incest, Fornication, Uncleaness, Sodomy, Drunkenness, filthy and lascivious Speaking, are not things in themselves shameful, wicked, sinful, impious, abominable and detestable in any person, or to be practised or done by any person or persons: Or shall as aforesaid profess, That the acts of Adultery, Drunkenness, Swearing and the like open wickedness, are in their own nature as Holy and Righteous as the Duties of Prayer, Preaching or giving of Thanks to God: Or whosoever shall avowedly as aforesaid profess, That whatsoever is acted by them (whether Whoredom, Adultery, Drunkenness or the like open Wickedness) may be committed without sin; or that such acts are acted by the true God, or by the Majesty of God, or the Eternity that is in them; That Heaven and all happiness consists in the acting of those things which are Sin and Wickedness; or that such men or women are most perfect, or like to God or Eternity, which do commit the greatest Sins with least remorse or sense; or that there is no such thing really and truly as Unrighteousness, Unholiness or Sin, but as a man or woman judgeth thereof; or that there is neither Heaven nor Hell, neither Salvation nor Damnation, or that these are one and the same thing, and that there is not any distinction or difference truly between them: All and every person or persons so avowedly professing, maintaining or publishing as aforesaid, the aforesaid Atheistical, Blasphemous or Execrable Opinions, or any of them, upon complaint and proof made of the same in any the cases aforesaid, before any one or more Justice or Justices of Peace, Major or other Head-Officer of any City or Town Corporate by the Oath of two or more Witnesses (which Oath the said Justice or Justices and Head-Officer have hereby power to administer in all the cases aforesaid) or Confession of the said persons, the party so convicted or confessing, shall by the said Justice or Justices, or other Head-Officer committed to Prison or to the House of Correction, for the space of six moneths, without Bail or Mainprize, and until he or she shall have put in sufficient Sureties to be of good behavior for the space of one whole year.

For the second offence shall be Banished.; Felony to return with out License.

And if any person or persons so convicted as aforesaid, shall at any time afterwards avowedly profess, maintain or publish as aforesaid, any of the aforesaid Atheistical, Blasphemous or Execrable Opinions, upon complaint and proof made of the same before any one or more Justice or Justices of the Peace, Major or other Head Officer of any City or Town Corporate, by the Oath of two or more Witnesses (which Oath the said Justice or Justices, or Head-Officer have hereby power to administer) or confession of the said person, the party so confessing, or against whom proof shall be made as aforesaid, shall be by such Justice or Head-Officer sent to the Common Gaol of such County, there to remain without Bail or Mainprize, until the next Assizes or Gaol-Delivery to be held for the said County: And if any such person shall be there convicted, by confession or otherwise, for such aforesaid avowedly professing, maintaining or publishing as aforesaid, any of the Atheistical, Blasphemous or Execrable Opinions aforesaid, That then the Judge or Judges before whom such Conviction shall be had as aforesaid, shall have power, and is hereby required to pronounce Sentence of Banishment upon such person so convicted as aforesaid,

out of the Commonwealth of England, and all the Dominions thereof; And thereupon every such person and persons so convicted and adjudged as aforesaid, shall depart out of this Commonwealth at such Haven or Port, and within such time as shall be in that behalf assigned and appointed by the said Judge or Justices, unless the same offender be letted or stayed by such reasonable means or causes, as by the Common-Laws of this Nation are allowed and permitted in cases of Abjuration for Felony; And in case of such let or stay, then to depart within such reasonable and convenient time after, as the Common Law requireth, as in case of Abjuration for Felony as aforesaid: And if any such Offender so convicted and adjudged as aforesaid, shall not go to such Haven, and within such time as is before appointed, and from thence depart out of this Commonwealth, according to this present Act; or after such his departure, shall return or come again into this Commonwealth, or any the Dominions thereof, without special Licence of the Parliament in that behalf first had and obtained, That then in every such case the person so offending, shall be adjudged a Felon, and shall suffer as in case of Felony, without benefit of Clergy.

This Act to be read and given in charge at Assizes and Sessions.

And to the end this Law may be the more effectually put in execution, and the growth of the aforesaid, and the like abominable and corrupt Opinions and Practises, tending to the Dishonor of God, the Scandal of Christian Religion, and the Professors thereof, and destructive to Humane Society, may be prevented and suppressed, Be it Enacted by the authority aforesaid, That all and every Justice and Justices of Assize, Justices of Oyer and Terminer, Justices of the Peace and Gaol-Delivery, be required and enjoined at their Assizes and Sessions of the Peace in every County, City and Town Corporate respectively, which shall be held next after the publishing of this Act, to cause the same to be openly read and published, and do from time to time give in charge to the Grand Jury, to enquire of, and present the Offences and Neglects aforesaid; which the said Justices of Assize, Justices of Oyer and Terminer, Justices of the Peace and Goal-Delivery, have likewise by vertue of this Act, power and authority to Hear and Determine.

Act to be Proclaimed.

And be it lastly Enacted by authority aforesaid, That the Sheriffs of every County, the Majors, Bayliffs or other Head Officer of all and every City, Borough or Town Corporate, be enjoined and required within one week after this Act shall be sent unto them or any of them, to Read, or cause the same to be Read and Proclaimed in every City, Borough or Town Corporate, upon the Market-day, and to cause the same to be affixed and set up in the publike places of such City, Borough or Town, as is usual and accustomed.

Offenders to be accused within Six moneths.

Provided always, That no person or persons shall be punished, impeached, molested, or troubled for any offence mentioned in this Act, unless he or she be for the same offence accused, presented, indicted or convicted within six moneths after such offence committed.

5.) Act for the Relief of the Religious and Peaceable from the Rigour of Former Acts of Parliament, in Matters of Religion

'September 1650: Act for the Repeal of several Clauses in Statutes imposing Penalties for not coming to Church.', *Acts and Ordinances of the Interregnum, 1642-1660* (1911)

[27 September, 1650]

Religious people molested by former Acts, enjoyning Common-Prayer, &c.; Former Acts Repealed. 1 Eliz.; 35 Eliz.; 23 Eliz.

The Parliament of England taking into consideration several Acts made in the times of former Kings and Queens of this Nation, against Recusants not coming to Church, enjoying the use of Common Prayer, the keeping and observing of holy-days, and some other particulars touching matters of Religion; and finding, that by the said Act divers religious and peaceable people, well-affected to the prosperity of the Commonwealth, have not onely been molested and imprisoned, but also brought into danger of abjuring their Countrey, or in case of return, to suffer death as Felons, to the great disquiet and utter ruine of such good and godly people, and to the detriment of the Commonwealth, Do Enact, and be it Enacted by this present Parliament, and by authority of the same, That all and every the Branches, Clauses, Articles and Proviso's expressed and contained in the ensuing Acts of Parliament; viz. in the Act of the first of Eliz. Entituled, An Act for Uniformity of Prayer, and Administration of Sacraments; and in an Act of the Thirty fifth of Eliz. Entituled, An Act for punishing of persons obstinately refusing to come to Church, and persuading others to impugn the Queens Authority in Ecclesiastical Causes; and all and every the Branches, Clauses, Articles and Proviso's contained in an Act of Parliament of the Twenty third of Eliz. Entituled, An Act for retaining the Queens Subjects in their due obedience hereafter expressed, viz. Be it also further Enacted by the authority aforesaid, That every person above the Age of Sixteen years, which shall not repair to some Church, Chappel, or usual place of Common-Prayer, but forbear the same, contrary to the tenor of a Statute made in the first year of her Majesties Reign, for Uniformity of Common-Prayer, and being thereof lawfully convicted, shall forfeit to the Queens Majesty for every moneth, after the end of this Session of Parliament, which he or she shall so forbear, Twenty pounds of lawful English money, and that over and besides the said Forfeitures, every person so forbearing by the space of Twelve moneths as aforesaid, shall for his or her obstinacy, after Certificate, thereof in writing made into the Court, commonly called the Kings Bench, by the Ordinary of the Diocese, a Justice of Assize and Gaol-Delivery, or a Justice of Peace of the County where such Offender shall dwell or be, be bound with Two sufficient Sureties, in the sum of Two hundred pounds at the least, to the Good Behaviour, and so to continue bound until such time as the persons so bound do conform themselves and come to the church, according to the true meaning of the said Statute made in the said first year of the Queens Majesties Reign: And be it further Enacted, That if any person or persons, Body politique or Corporate, after the Feast of Pentecost next coming, shall keep or maintain any School-master, which shall not repair to Church as is aforesaid, or be allowed by the Bishop or Ordinary of the Diocess where such School-master shall be so

kept, shall forfeit and lose for every moneth so keeping him, Ten pounds: Provided, That no such Ordinary or their Ministers shall take any thing for the said Allowance: And such School-master or Teacher presuming to teach contrary to this Act, and being thereof lawfully convict, shall be disabled to be a Teacher of Youth, and shall suffer Imprisonment without Bail or Mainprize for one year. And be it likewise Enacted, That all and every offences against this Act, or against the Acts of the First, Fifth or Thirteenth years of her Majesties Reign, touching acknowledging of her Majesties Supreme Government in Causes Ecclesiastical, or other matters touching the Service of God or coming to Church, or Establishment of true Religion in this Realm, shall and may be enquirable as well before Justices of Peace, as other Justices named in the same Statutes, within one year and a day after every such offence committed, Any thing in this Act, or in any other Act to the contrary notwithstanding. And all and every the Branches, Clauses, Articles and Proviso's expressed and contained in any other Act or Ordinance of Parliament, whereby or wherein any penalty or punishment is imposed, or mentioned to be imposed on any person whatsoever, for not repairing to their respective Parish Churches, or for not keeping of Holydays, or for not hearing Common Prayer or for speaking or inveighing against the Book of Common Prayer shall be, and are by the authority aforesaid, wholly Repealed and made void.

All proceedings by vertue of any of those Acts, made null.

And it is also hereby Enacted and Declared, That all proceedings had or made by vertue of any the Clauses, Branches or Articles mentioned and contained in any of the aforesaid Acts, and hereby Repealed, against any such person or persons as aforesaid, shall be fully and wholly superseded, made void and null.

All persons shall on every Lords-Day, resort to some place of Prayer, Preaching, &c.

Provided, That this Act, nor any thing therein contained, shall extend to the taking away of any Act or Ordinance made by this present Parliament, concerning the due Observation of the Lords-Day, Days of Publique Thanksgiving and Humiliation.

And to the end that no prophane or licentious persons may take occasion by the Repealing of the said Laws (intended onely for Relief of pious and peaceably minded people from the rigor of them) to neglect the performance of Religious Duties, Be it further Enacted by the authority aforesaid, That all and every person and persons within this Commonwealth and the Territories thereof, shall (having no reasonable excuse for their absence) upon every Lords-Day, Days of publique Thanksgiving and Humiliation, diligently resort to some publique place where the Service and Worship of God is exercised, or shall be present at some other place in the practice of some Religious Duty, either of Prayer, Preaching, Reading or Expounding the Scriptures, or conferring upon the same.

who shall be deemed Offenders against this Law.

And be it further Declared by the authority aforesaid, That every person and persons that shall not diligently perform the Duties aforesaid, according to the true meaning hereof (not

having reasonable excuse to the contrary) shall be deemed and taken to be Offenders against this Law, and shall be proceeded against accordingly.

6.) Examples of Prosecutions for Blasphemy

Cases:

I.)

Bates, E. H., (ed), *Quarter sessions records for the County of Somerset, Vol.3, Commonwealth, 1646-1660*, (London: Somerset Record Society, 1912)

Calendar of Sessions Rolls, 1656, Roll 93, Part 1, p. 291

50. ‘Information of Thomas Bennett of Huntspill to William Smith 15th Nov 1656 that on some discourse between him and John Allen concerning Scriptures, the said Allen did say that the holy Scriptures contained in the old and new testament are but fables or as a ballatt, and that there is no necessity for prayer or any other godly exercise to be used, but let a man live as prophanelly as he would he should be saved if he thought himself to be in Christ; and that there would be as good Scriptures made concerning the late wars as any of those in the said old and new testaments.’

II.)

7.) Wake, Joan, (ed.), *Quarter sessions records of the county of Northampton: files for 6 Charles I and commonwealth (A.D. 1630, 1657, 1657-8)*, (Hereford: Northamptonshire record society by the Hereford Times Ltd, 1924)

‘Abstracts of Recognizances’; p. 111

[273.] ‘4th April 1657 before the same [probably meaning John Browne of Kettering esquire]; John Branson cardwinder and John Lane labourer, both of Burton Lattimer, in 5l. each.

“John Browne”

Condition: To prefer a “bill of indictment against Francis Ellington of wellinborrow concerning certaine blasphemous words uttered and spoken [against] by the said Francis Ellington.””

‘File 2., Easter 1657’; ‘Indictments’; p. 136

[347.] ‘Northampton ss. – The Jurors [...as in 335] doe present, that whereas John Lane late of Burton Lattimer in the county of Northampton aforesaid labourer the nyne and twentyth day of March in the yeare of our Lord, one thousand six hundred ffifty and seaven, att Burton Lattimer aforesaid being in discourse with one Francis Ellington late of

wellingborrow in the county aforesaid upholster, and then hee the saide John Lane speakeinge to the said Francis Ellington of the great and Almightye God, the said Francis Ellington then and there [beinge] not distempred in sicknes or distracted in braine, did presume avowedly in words to profess utter and speake, to the said John Lane theis blasphemous words following (that is to say) confounded bee thee, meaninge the said John Lane, and thy God meaninge the said Almightye God, and I [meaninge himselfe] trample thee, meaninge the said John Lane, and thy God meaninge the Almightye God under my feete, whereby the said Francis Ellington at Burton aforesaide att the day aforesaid, did deine and blaspheame the said Almightye God contrary to the forme of a statute in that case made and provided and against the publick peace

John Lane John Braunston prosecutors'

Michaelmas Sessions 1657; 'Jury lists'; p. 186

[488.] 'Northampton ss. – The names of the Jury betweene his Highness the Lord Protector of England etc. and Francis Ellington to acknowledge upon their oaths as in the writt here unto annexed is mencioned. [No writ included in the calendar]

John Burcott of Bugbrooke
Henry Atkins of Byfeild
Anthony Brayne of Boddington
Thomas Harbet of Dallington
William Simpkins of Blisworth
Thomas Heyes of Rothwell
Edmund Roe of the same
James Warner of Barnewell All Saintes
John Wattes of East Hadden
John Launden of Molton
William Launden of Wooten and
Isaac Hensman of Collingtree

[All these names are bracketed together and marked "sworne"]

John Maunsell esqr. Sheriffe

ffor ye Lord protector : yt Francis Ellington is guilty.'

'Acts of the Court'; p. 187

[491.] 'Northampton ss. Acts at the Generall sessions of the publick peace held at the castle of Northampton for the said county the Tuesday and Wednesday next after the ffeast of St. Michael in ye yeare of our Lord one thousand six hundred and ffifty and seaven before Edward Farmer John Thorneton Adam Baynes William Ward George Benson John Brown and Robert Maunsell esqr. Keepers of the publick peace and justices assigned to

heare and determine diveres felonies trespasses and other misdemeanors committed and done within the same county...

[26.] p. 193

‘Whereas an indictment was formerly exhibited against Frauncis Ellington of Wellingborow for blasphemy to which indictment he appeared at this present Sessions and upon tryall was found guilty It is therefore ordered that the said Frauncis Ellington be committed to the house of correction for ye space of six monethes and untill he put in sureties to be of good behaviour for one whole year.’

III.)

Cunnington, B. Howard, (ed.), *Records of the county of Wiltshire: being extracts from the quarter sessions great rolls of the seventeenth century*, (Devizes: Simpson, 1932)

8 January 1655/5 January Quarter Sessions, [Salisbury?]; p. 231

[1656.] ‘INDICTED FOR BLASPHEMY.

William Bond and Thomas Hibberd of Lacock are indicted for atheism and blasphemy “not being distempered with sickness or disordered in their brain”. Bond publicly professed and affirmed “that there was no God or power ruling above the planets, no christ but the sun than shines upon us, that the twelve patriarchs were twelve houses, that if the Scriptures were a makin againe then Tom Lampire of Melksham would make as good Scriptures as the Bible, there was neither heaven nor hell except in a man’s own conscience, for if he had a good fortune and did live well, that was heaven, and if he lived poor and miserable, that was hell, for then he would die like a cow or horse”. Hibberd stated that God was in all things, and that whatever sins he did commit, God was author of them all and acted them in him. He would sell all religions for a jug of beer.’

IV.)

Atkinson, J. C. (ed), *Quarter session records, Vol.6, 1658-77*, (London: North Riding Record Society, 1888)

New Malton, Quarter Sessions, 13 July 1658; p. 7

‘Orders of this sessions’; p. 10

[150:152] ‘whereas a Stanwicke man was committed at Richmond Sessions Aug. 4, 1657, for six months for uttering several blasphemous speeches in open Court to the great dishonour of God, but hath not given security to be of good behaviour ne whole year, [153.] he is to be apprehended and carried before the next J.P. to enter bond etc., and in case of refusal, etc; the presentment against the inhab[itants] of Great Smeaton to be respited till Sep. 5;’

Atkinson, J. C., (ed.), *Quarter session records, Vol.5, 1647-58*, (London: North Riding Record Society, 1887)

[105] ‘Richmond. Quarter sessions by adjournment, at Aug. 4, 1657’. P. 248

[114.] ‘a Stanwicke man committed to the Ho[use] of Corr[ection] at Richmond for six monthes for uttering severall blasphemous speeches in a verry high nature in open Court to the dishonour of God, contrary to the Acte of Parliament, and to give him correction according to the orders of the said House, and afterwards to find sufficient sureties to bee of the good behaviour for a year’.

V.)

Jeaffreson, John Cordy, (ed.), *Middlesex County Records, Rolls, Books, and Certificates I Charles I to 18 Charles II. 1625-1667 AD, Middlesex County Records Vol. III*, (Clerkenwell: Middlesex County Record Society, 1888)

Indictments, recognizances, coroners’ inquisitions, post-mortem orders and memoranda.

p. 197

‘11 October, 1650. – Recognizances, taken before John Waterton esq. J.P., of ... merchaunt-tayler and Michael Thomson of the Minnoryes in Algate parish Co. Midd. Cardwainer, in the sum of fifty pounds each, and if John French of White-cappell..., in the sum of one hundred pounds, The condition of the recognizances being, that the said “John French doe personally appeare before either before the Committee appoynted by Parliement for Atheistical, Blasphemous, and... to the honour of God and destructive to humane society, whensoever they shall please to call for him, Or else at the next sessions of the peace To answer & c.” S. P. R., 9 Dec., 1650’

VI.)

p. 204

‘12 June, 1651. – Recognizances, taken before Laurence Whitaker esq. J.P., of Elizabeth Sorrell the elder widow and Elizabeth Sorrell the younger Spinster, both of Brayntree co Essex, and Thomas Atkyn and Thomas Baugh, both of Bosten Co. Lincolne gentlemen, all four in the sum of four-score pounds each; For the appearance of the said Elizabeth Sorrell the elder and Elizabeth Sorrell the younger at the next Quarter Sessions for the City of Liberty of Westminster, “to answeare for averring and meynteneinge diverse erroneous damnable and blasphemose opinions against the Holy Trinity.” – Also, three sets of similar Recognizances, taken on the same day before the same Justices of the Peace, for the appearance of Thomas Tydford of From Co. Somersett wyer-drawer, Margarett Dunlopp of Martins’-in-the Fields co. Midd. Widow, Frances Bedwell of Brayntree co. Essex spinster, and Anne Burely of Margarett’s Westminister co. Midd. at the next Q. s. p for the City and Liberty of Westminster also “to answer for averring and meynetynge diverse erroneous damnable and blasphemous opinions against the Holy Trinity.” S. P. (West). R., 20 June 1651.’

VII.)

p. 215

25 May 1653: ‘Order, made at S. P held at Hicks Hall, touching a gross and revolting blasphemous. – Forasmuch as it appeareth to this Court by the informacion given upon oath by Felix Womwell, that he sawe a letter directed by Henry Walker from the East Indies to one Anne Rose at Ratcliffe in the county of Middlesex wherein the said Walker had expressed that he had rather be in bedd with her (meaning the said Anne) then in paradise with Jesus Christ, And forasmuch as Gabriel Lee and John Browne further informed this court upon oath, that the said Lee demaunding of the said Walker whether he had used the said expression before mencioned in his said Letter to the said Anne Rose, the said Walker then said “a poxe on Jesus Christ,” it is ordered by this Court that the said Henry Walker shall stand committed to the Newe prison at clerkenwell by the space of six moneths without bayle or mainprise, and further untill he shall find sufficient suretyes for his good behaviour for the space of one whole yeare from thence next ensueinge. By the Court. – Another order, entered in the same book, directs that the same Henry Walker of Ratcliffe co. Midd. be suppressed from keeping any ale-house or victualling-house within the county, “to the end that there may not be such ready occasions and opportunities given for the resort of people to his house, whoe may be indangered to be corrupted with his wicked conversacion.” S.p. Book’

VIII.)

Le Hardy, William Henry Clement, (ed.), *Calendar to the sessions books and sessions minute books and other sessions records 1619 to 1843, Hertfordshire (England). Quarter Sessions*, (Hertford: Clerk of the Peace Office, 1928)

Quarter Sessions Minute Book. Volume III, p. 449

3 October, 1653. Sessions held at Hertford.

Presentments: -

‘No. 61 29 September [A.D. 1653].

That Robert Piggott, late of Bennington, Maltser, took the name of God in vain by “vain oaths and swearing.”’

IX.)

Quarter Sessions Minute Book. Volume III, p.496

13 & 14 July, 1657. Sessions held at Hertford.

Presentments:-

‘No. 224 29 January [A.D. 1656-7]

That John Allen of Anstey, husbandman, took the name of God in vain by swearing twenty blasphemous oaths.'

7.) Extract from: 'October 1645: An Ordinance, together with Rules and Directions concerning Suspension from the Sacrament of the Lords Supper in cases of Ignorance and Scandall.', *Acts and Ordinances of the Interregnum, 1642-1660* (1911), pp. 789-797 [From *British History Online*]

'[20 October, 1645.]

Injunctions to Ministers and Elders.; Power to Elderships to suspend Ignorant Scandalous, Persons from the Sacrament of the Lord's Supper.

The Lords and Commons considering the wonderfull providence of God in calling them to this great and difficult worke of reforming and purging his Church and people, his guidance and manifest protection of them in it, doe acknowledge that never any of his servants since the foundation of the world had more high and strong engagements heartily and sincerely to endeavour the compleat establishment of Purity and Unity in the Church of God than they have, they doe therefore require all Ministers and Elders that they be carefull to walke with understanding in the House of God, that by Example, Exhortations and Admonitions, they endeavour to build up the people of the, Lord in love, that with humility and meeknesse of spirit they adorne their holy Profession, and win Soules to the love of the Truth. That they be diligent and faithfulle in the worke, as those that must give an accompt: And where grosse Ignorance or notorious Scandall shall appeare, for the remedy thereof, and to prevent the evils that may come thereby. The Lords and Commons doe Ordaine, and it is hereby Ordained, That the severall Elderships respectively within their respective Bounds and Limits, have power to suspend from the Sacrament of the Lords Supper, all Ignorant and Scandalous persons within the rules hereafter following, and according to the said Rules and Directions.

Rules and Directions for such suspension in cases of Ignorance

Rules and Directions concerning suspension from the Sacrament of the Lords Supper, in cases of Ignorance.

1 All such persons who shall be admitted to the Sacrament of the Lords Supper ought to know that there is a God, that there is but one ever-living and true God, maker of Heaven and Earth and Governour of all things; That this only true God, is the God whom we worship; that this God is but one, yet three distinct Persons, the Father, Son, and Holy Ghost, all equally God.

2. That God created man after his own Image, in knowledge, righteousnesse, and true holinesse; That by one man sin entered into the world, and death by sinne, and so death passed upon all men, for that all have sinned; That thereby they are all dead in trespasses

and sinnes, and are by nature the children of wrath, and, so lyable to eternall death, the wages of every sin.

3. That there is but one Mediator between God and man, the man Christ Jesus, who is also over all, God-blessed for ever, neither is there salvation in any other; That he was conceived by the Holy Ghost, and borne of the Virgin Mary; That he dyed upon the crosse to save his people from their sins; That he rose againe the third day, from the dead; ascended into Heaven sits at the right hand of God, and makes continuall intercession for us, of whose fulnesse we receive all grace necessary to salvation.

4. That Christ and his benefits are applyed onely by faith That faith is the gift of God, and that we have it not of ourselves, but it is wrought in us by the Word and Spirit of God.

That faith is that grace whereby we beleewe and trust in Christ for remission of sins and life everlasting, according to the promise of the Gospell, that whosoever beleeves not on the Son of God, shall not see life, but shall perish eternally.

That they who truly repent of their sinnes, doe see them sorrow for them, and turne from them to the Lord, and that except men repent they shall surely perish.

That a godly life is conscionably ordered according to the Word of God, in Holinesse and Righteousnesse, without which no man shall see God.

That the Sacraments are Seales of the Covenant of Grace in the Blood of Christ: That the sacraments of the New Testament, are Baptism and the Lords Supper, that the outward elements in the Lords Supper are Bread and Wine, and do signifie the Body and Blood of Christ Crucified, which the worthy receiver by faith doth partake of in this Sacrament, which Christ hath likewise ordained for the remembrance of his death, that whosoever eates and drinckes unworthily, is guilty of the Body and Blood of the Lord, and therefore that every one is to examine himselfe, lest he eat and drink judgement to himselfe, not discerning the Lords Body.

That the soules of the faithfull, after death, doe immediately live with Christ in Blessednesse, and that the soules of the wicked doe immediately go into Hell torments.

That there shall be a Resurrection of the Bodies, both of the just and unjust at the last Day, at which time all shall appeare before the Judgement Seat of Christ, to receive according to what they have done in the body, whether it be good or evill: And that the righteous shall go into life eternall, and the wicked into everlasting punishment.

And it is further ordained by the Lords and Commons, that those who have a competent measure of understanding concerning the matters contained in these Articles shall not be kept back from the Sacrament of the Lords Supper, for Ignorance; And that the Examination and judgement of such persons as shall for their ignorance of the aforesaid points of Religion not be admitted to the Sacrament of the Lords Supper, is to be in the power of the Eldership of every Congregation.

Rules and directions concerning Suspension from the Sacrament of the Lords Supper, in cases of Scandall.

Rules and directions in cases of Scandal.; Ministers guilty of certain crimes may be suspended.; Witnesses to be examined on oath.

The severall and respective Elderships shall have power to suspend from the Sacrament of the Lords Supper all scandalous persons hereafter mentioned, appearing to be such upon just prooffe thereof made, in such manner as is by this present Ordinance hereafter appointed, and not otherwise, untill it be otherwise declared by both Houses of Parliament how notoriously scandalous persons, other than such as are herein expressed, shall be kept from the Sacrament of the Lords Supper; That is to say All persons that shall blasphemously speake or write anything of God, his holy Word, or Sacraments. An Incestuous person, An Adulterer, A Fornicator, A Drunkard, A Prophane Swearer or Curser. One that hath taken away the life of any Person maliciously. All worshippers of Images, Crosses, Crucifixes, of Reliques; All that shall make any Images of the Trinity, or of any person thereof. All Religious worshippers of Saints, Angels, or any meere Creature. Any person that shall professe himselfe not to be in charity with his Neighbour, Any person that shall challenge any Person by Word, Message, or Writing, to fight, or that shall accept such challenge and agree thereto. Any person that shall knowingly carry any such challenge by word, message, or writing. Any person that shall upon the Lords Day use any Dancing, playing at Dice, or Cards, or any other Game, Masking, Wake, Shooting, Bowling, playing at Foot-ball or Stool-ball, Wrestling, or that shall make, or resort unto any Playes, Interludes, Fencing, Bul-bating, or Beare-baiting, or that shall use Hawking, Hunting, or Coursing, Fishing, or Fowling, or that shall publicly expose any Wares to sale, otherwise than as is provided by an Ordinance of Parliament of the 6 April 1644. Any person that shall travel on the Lords Day without reasonable cause. Any person that keepeth a knowne Stewes or Brothel-house, or that shall sollicite the chastity of any person for himselfe or any other. Any person, Father or Mother, that shall consent to the marriage of their childe to a Papist, any person that shall marry a Papist. Any person that shall repaire for any advice unto any Witch, Wizard, a Fortune-teller. Any Person that shall assault his Parents, or any Magistrate, Minister, or Elder in the execution of his office. Any person that shall be legally attained of Barretry, Forgery; Extortion, or Bribery. And the severall and respective Elderships shall have power likewise to suspend from the Sacrament of the Lords Supper all Ministers that shall be duely proved to be guilty of any of the crimes aforesaid, from giving, or receiving the Sacrament of the Lords Supper. And it is further ordained by the Lords and Commons, That the Eldership of every congregation shall have power to examine any person complained of for any matter of scandall aforesaid, and upon confession of the party before the Eldership to have committed such an offence, to suspend any such person from the Sacrament of the Lords Supper. The Eldership of every Congregation shall examine upon oath such witnesses as shall be produced before them, either for the acquitting or condemning of of the party accused of any of the scandalous crimes aforesaid, not capitall.

Persons suspended to show repentance before readmission.; Right of Appeal.

The Eldership of every Congregation shall judge the matter of scandall aforesaid, being not capitall, upon the testimony of two credible witnesses at the least. Satisfaction shall be given to the Eldership of every Congregation by sufficient manifestation of the Offenders repentance before a person lawfully convicted of such matters of scandall as aforesaid, and thereupon suspended from the Sacrament of the Lords Supper be admitted thereunto. If any person suspended from the Lords Supper shall finde himselfe grieved with the proceedings before the Eldership of any Congregation, he shall have libertie to appeale to the Classicall Eldership, and from thence to the Provinciaall Assembly, from thence to the Nationall, and from thence to the Parliament. And be it further ordained by the Lords and Commons, That the severall and respective Elderships in their severall respective proceedings shall observe these ensuing cautions...'

8.) Articles 35-38 of the Instrument of Government (16 December 1653)

From: Gardiner, S. R, (ed.), *The Constitutional Documents of the Puritan Revolution 1625-1660, Third Edition Revised*, (Oxford: Clarendon Press, 1951), pp. 405-417

'XXXV. That the Christian religion, as contained in the Scriptures, be held forth and recommended as the public profession of these nations; and that, as soon as may be, a provision, less subject to scruple and contention, and more certain than the present, be made for the encouragement and maintenance of able and painful teachers, for the instructing the people, and for discovery and confutation of error, hereby, and whatever is contrary to sound doctrine; and until such provision be made, the present maintenance shall not be taken away or impeached.

XXXVI. That to the public profession held forth none shall be compelled by penalties or otherwise; but that endeavours be used to win them by sound doctrine and the example of a good conversation.

XXXVII. That such as profess faith in God by Jesus Christ (though differing in judgment from the doctrine, worship or discipline publicly held forth) shall not be restrained from, but shall be protected in, the profession of the faith and exercise of their religion; so as they abuse not this liberty to the civil injury of others and to the actual disturbance of the public peace on their parts: provided this liberty be not extended to Popery or Prelacy, nor to such as, under the profession of Christ, hold forth and practise licentiousness.

XXXVIII. That all laws, statutes and ordinances, and clauses in any law, statute or ordinance to the contrary of the aforesaid liberty, shall be esteemed as null and void.'