Reborn John? The Eighteenth-century Afterlife of John Lilburne
by Edward Vallance

This man proved a great trouble-world in all the variety of Governments afterward, being chief of a faction called Levellers: he was a great proposal-maker and modeller of State, which by his means was always restless in the Usurpation. He died a Quaker; and such as his life was, such was his death.

James Heath, Chronicle of the Late Intestine War (1661), 1676

In so describing the Leveller activist and pamphleteer John Lilburne (1615?–57) in his 1661 history of the civil wars, James Heath, best known as the hostile biographer of Oliver Cromwell, was outlining a figure he assumed would already be well known to his readership. Indeed, he referred to him as ‘that famously known person John Lilburne’.¹ Today, Lilburne remains the most celebrated of all seventeenth-century English radicals, commemorated in popular biography, television drama (Channel 4’s The Devil’s Whore) and even rock opera.²

Many scholars argue that the relatively high profile of the Levellers today, in both popular and academic works, is a recent phenomenon. Historians such as Royce MacGillivray, Alistair MacLachlan, and, most notably Blair Worden, have claimed that the Levellers received virtually no attention from historians until the late nineteenth century and only really gained prominence in the twentieth century, through the work of liberal, socialist and Marxist authors.³ The one exception to this historical neglect, as Worden notes, was John Lilburne, who continued to be deemed worthy of the attention of biographers and historians through the eighteenth and nineteenth centuries. Even so, he was treated as a fairly minor player and did not figure prominently in many histories of the civil wars. Moreover, Lilburne’s relatively visibility in contrast to his associates Richard Overton, John Wildman and William Walwyn had very little to do with his connections to something identified as the Leveller movement. Instead, Lilburne was given eighteenth-century labels like ‘enthusiast’ or ‘patriot’. The Levellers, when mentioned at all, were crudely caricatured...
as ‘social levellers’ (those advocating the redistribution of property and/or the obliterati on of marks of status) and scant attention was paid to the ideas manifested in documents such as the many versions of the Levellers’ written manifesto, the Agreement of the People. Rather than being remembered as a political radical, it has been argued, Lilburne was memorialized for his many courtroom battles which struck a chord with eighteenth-century legal controversies, especially over freedom of the press.4 On this reading, it was Lilburne the litigant who was remembered, not Lilburne the Leveller.

Fig. 1. Frontispiece to Theodorus Verax [Clement Walker], The Triall of Lieut. Collowell John Lilburne (1649).
This is a persuasive presentation of the historical influence of the radicalism of the civil war and one which reflects a broader scholarly unease with the conception of a ‘radical tradition’. The notion of a tradition of radical thought was powerfully evoked in the classic works of British marxist historians such as Christopher Hill and Edward Thompson and retains some importance in the popular historical imagination. Academics have become increasingly critical, however, both of the use of the term ‘radical’ to describe pre-modern politics and of the idea of a continuum of radical ideas and movements. Scholars have pointed out that the term ‘radical’ – not in common political use until the early nineteenth century anyway – had a very different meaning in the seventeenth century, indicating not ideas that would dramatically transform the status quo but instead a return to fundamentals or to the root. Using the term ‘radical’ in its modern sense then, risks distorting the political outlook of historic individuals who did not necessarily view themselves as advocating anything new or novel. The notion of a radical tradition is now seen as equally problematic, as it implies both a similarity in radical thought over the ages and a degree of influence from one radical group to the next which often cannot be supported with empirical evidence. At best, the idea of a radical tradition is seen as a poor way of thinking about intellectual influence. At worst, the concept is seen as a historical fabrication, little more than an exercise in wish-fulfilment on the part of modern left-wing academics and journalists.

In consequence, academic arguments for the enduring influence of civil war radicalism are now thin on the ground (and tend to come mainly from North American scholars such as Robert Zaller and F. K. Donnelly). The evidence presented by eighteenth-century representations of John Lilburne, however, suggests that historians should be more cautious about dismissing the influence of the memory and ideas of the English revolution upon later politicians and campaigners. Lilburne’s case also indicates that the invocation of seventeenth-century figures in eighteenth-century political battles was not simply part of a process of historical reinvention. As will be shown, in the case of early eighteenth-century historical treatments of the civil wars considerable effort was made to represent Lilburne’s life and ideas accurately. Indeed, Lilburne’s memory had an enduring power precisely because of the element of continuity both in the ideals at stake and in how they were contested. And it was just because these ideals remained ‘radical’ (whatever the problems with using that word) that there was no need for historians unsympathetic to Lilburne and the Levellers to distort their aims: they could just as easily be condemned by rehearsing their actual political principles which remained anathema.

Paradoxically, as Lilburne’s public profile grew over the second half of the eighteenth century – to the extent that eighteenth-century Patriot Whig writers adopted ‘Lilburne’ as a nom de plume – so awareness of the broader aspects of his life and career appeared to diminish, including his connection with the Levellers. But decreasing emphasis on Lilburne as Leveller did not
equate to the severing of Lilburne’s public memory from radical politics. Rather, in the later eighteenth century Lilburne became ever more closely identified with contemporary radicals, from John Wilkes, to John Horne (later Horne Tooke), to Charles James Fox. The parallel ensured that he remained a contentious, ambiguous figure: a radical hero for some, a demagogic anti-hero to others. The affinity these figures and their supporters felt for Lilburne again reflected similarities of style (the emphasis on charismatic personality, the use of the courtroom as a political theatre) and of ideals (individual liberty, freedom of the press and the importance of the jury system). But, as this article will demonstrate, Lilburne’s memory did not simply legitimate arguments in support of these concepts and institutions. More than this, his legal struggles exerted a tangible influence on British law, helping to change legislation relating to libel, the power of juries and even the legal status of slaves on British soil.

A SEVENTEENTH-CENTURY LIFE
Lilburne, as Rachel Foxley and Jason Peacey (among others) have shown, was one of the most written-about individuals of the 1640s and the subject of sophisticated propaganda campaigns. Indeed, Lilburne’s fame was such that Mike Braddick has christened him the ‘celebrity radical’. A celebrity today, according to Simon Morgan, is a ‘known individual who has become a marketable commodity’. Lilburne was certainly ‘monetized’: his name alone sold books (even when he did not write or as much as appear in them) and his face graced a number of prints and medallions, prefiguring the similar commodification of eighteenth-century political figures such as Wilkes. The extent to which both Lilburne and his critics personalized his political struggle is also suggestive of modern celebrity, though the occasional focus of biographers on the minutiae of his life perhaps less so.

Lilburne’s contemporary fame means that the details of his life can be traced with relative ease. Born probably in Sunderland around 1615, Lilburne was the second son of a minor Durham gentleman, Richard Lilburne. The family had had some connections with the royal court but Lilburne’s career as an opponent of Charles I was set by his apprenticeship in 1630 to a London clothier, Thomas Hewson. It was Hewson, a puritan, who introduced Lilburne into the circle of ‘Godly’ opponents of the personal rule of Charles I and the church policies of his archbishop, William Laud. Lilburne became an acolyte of Dr John Bastwick, a leading critic of Laud’s episcopate, and Bastwick in turn helped mould the young Lilburne both intellectually and socially. Bastwick along with William Prynne and Henry Burton fell foul of the Laudian authorities in 1637, the three suffering brutal corporal punishments (ear-cropping and branding) for their anti-episcopal writings. Lilburne soon followed. Arrested for circulating unlicensed literature (further tracts by Bastwick), Lilburne compounded his problems by refusing to take the so-called ‘etcetera oath’ which required the swearer to answer truthfully all questions posed. A charge of contempt
of court was added and Lilburne was found guilty. He was sentenced to be whipped from the Fleet Prison to New Palace Yard, Westminster, placed in the pillory and then imprisoned. In Lilburne’s own account, the brutal punishment was turned into a sign of divine favour: ‘my wedding day, in which I was married to the Lord Jesus Christ: for now I know hee loves me, in that hee hath bestowed so rich apparel upon mee, and counted mee worthy to suffer for his sake’.

Lilburne’s trial and punishment in 1637–8 set a pattern that would be followed for most of the rest of his life, in which dramatic courtroom battles were followed by lengthy periods of imprisonment that nonetheless did not stop him from continuing his arguments in print. By 1638 Lilburne had already joined the ranks of Burton, Bastwick and Prynne as a celebrated puritan ‘martyr’. With the calling of the Long Parliament in 1640 came an end to his first spell in prison. He was freed as a result of the pleading of the newly elected Member of Parliament for Cambridge, Oliver Cromwell, like Lilburne a ‘godly’ man of gentry stock but modest means. It was the beginning of a relationship that would profoundly influence Lilburne’s life, as Cromwell turned in the course of the 1640s from his saviour and supporter to his nemesis.

Lilburne might have retired from public affairs at this point: in or before September 1641 he had married Elizabeth Dewell, daughter of a London merchant, a woman by his own report ‘deare in my affections several years before from me she knew anything of it’. His uncle, George Lilburne, had provided him with capital to set up in business as a brewer and there was the prospect of further money from Parliament as compensation for his punishment by Star Chamber. A stable family life seemingly beckoned but the pull of the political arena proved irresistible. The England into which Lilburne emerged free had changed dramatically. Now it was the crown’s opponents who held the upper hand: hated royal ministers such as the Earl of Strafford were tried and executed; the organs of press censorship which had suppressed critical opinions were abolished and Laud’s church policies, deemed ‘popish’ by the ‘godly’, were being reversed. When the King resorted to arms to resist this assault on his authority, Lilburne was quick to volunteer for the Parliament’s cause. Captured by the Royalists at Brentford in November 1642, he would have been tried for treason but the Commons threatened to treat Royalist prisoners in kind if charges were brought and Lilburne was released. (To add to the drama, it was Lilburne’s heavily pregnant wife Elizabeth who assured his salvation by riding from London to Oxford to deliver the House’s message.) With further support and encouragement from Cromwell Lilburne continued his successful career in the Parliamentarian army, but he left in the spring of 1645, unwilling to take the new loyalty oath, the Solemn League and Covenant: a test, Lilburne said, ‘fram’d in Scotland, and most basely, illegally and unjustly obtruded upon England’.

Before this point, however, Lilburne had already fallen out with more conservative ‘Presbyterian’ figures in the army including his
general, the Parliamentarian Earl of Manchester. Not only was Lilburne antagonizing powerful figures like Manchester, he was also associating with more radical individuals such as Richard Overton, a printer of unlicensed tracts and a staunch advocate of religious toleration. These associations and Lilburne’s own readiness to attack conservative opponents, including his one-time ally John Bastwick, prompted a phase in his life in which he was rarely out of either court or prison.

In July 1645 Lilburne was gaoled because of charges by Bastwick that he had slandered the Speaker of the Commons. These charges did not result in a trial and Lilburne was eventually released that October, but his ongoing quarrels with powerful Presbyterians, especially the Earl of Manchester, meant that he was not out of trouble for long. In June 1646 he was called to the House of Lords to answer accusations that he had libelled Manchester in one of his pamphlets. Lilburne argued that Lords had no right to try a commoner, a stance which put him in prison once again. As in 1637–8, incarceration proved no impediment to Lilburne’s productivity as a writer and only a month later he was tried by the Lords for scandal and illegal printing, found guilty, heavily fined and imprisoned in the Tower. He would not be freed until 2 August 1648.

This period transformed Lilburne’s political philosophy. Until then he had retained some support amongst leading Independents in Parliament, especially Cromwell. In the Tower, however, his ideas diverged more and more from those of his old associates. Now he saw Parliament exercising the same ‘unjust power’ as Charles I’s Star Chamber, even against those who had been the two Houses’ ‘cordiall friends’. As Lilburne was breaking away from Cromwell (‘my pretended friend’), he was making new alliances with men such as Overton, William Walwyn and John Wildman. These individuals were later christened ‘Levellers’ by their opponents (a pejorative term previously applied to anti-enclosure rioters and meant to associate them with social revolt). However, Leveller ideas, as represented in their manifesto, the Agreement of the People, were quite distinct from those of earlier agrarian rebels: they sought a new ‘representative’ to replace Parliament, elected on a much broader franchise, a simplified legal code under which all would have equal protection and a set of ‘reserved’ rights, such as freedom of conscience and/or worship, that neither the legislature nor the executive could abrogate. It was a settlement on this basis that Lilburne and the other Levellers urged on his eventual release in 1648. But though Cromwell’s son-in-law Henry Ireton presented a version of the Agreement of the People to the Commons late that year, Lilburne viewed the ‘Officers’ Agreement’ (as it has become known) as little more than a diversionary tactic, designed to distract radical attention from army leadership’s ‘main work’, the trial and execution of the King in January 1649.

Lilburne had opposed Charles’s trial (he argued that it was in the Levellers’ interest to ‘keep up one Tyrant to balance another’), a stance
which, combined with his associations with Royalist prisoners in the Tower, prompted insinuations about his political loyalties.\textsuperscript{21} By the spring of 1649 he was back in the Tower, accused of writing a number of tracts against the new republican government. On 24 October he was put on trial for treason at the Guildhall. It was here that he pulled off his most memorable escape from death. According to the letter of the new treason law passed in July of that year, which had made it a capital offence to write works describing the republic as tyrannical, Lilburne was undoubtedly guilty as charged. Yet he succeeded over two days in convincing his jury that they, not the magistrates, were judges of the law, the only ‘pronouncers of their Sentence, Will and Minde’.\textsuperscript{22} (This radical ‘pro-jury’ position represented a significant departure from the traditional view of the jury as only judges of fact, a view which until late 1648 Lilburne himself had largely endorsed.)\textsuperscript{23} He was acquitted to rapturous applause and medallions were struck to commemorate his release.

For a short time, Lilburne retreated from politics. The Leveller movement itself had largely been crushed that year, as Leveller-inspired mutinies in the army were suppressed and its power base in the separatist churches of London was weakened by the republic’s offer of religious toleration to these groups. But Lilburne’s period at liberty did not last long. A property dispute between his uncle, George Lilburne, and the influential Rump MP Sir Arthur Hesilrige led John Lilburne to make a number of printed attacks on Hesilrige which the Parliament deemed not only libellous but also treasonable. Lilburne was this time denied a chance to speak at his own trial, – the Rump had learnt the lesson from its humiliation at the 1649 trial – found guilty, fined £7,000 and banished for life.

The final phase of Lilburne’s life began with his unauthorized return from exile in the Netherlands in 1653. Under the terms of the judgement in 1651 this was treasonable but Lilburne hoped that the change in government in England (the republic had been replaced by Cromwell’s Protectorate) might invalidate the law on which he originally been tried. The hope proved vain, and he was put on trial for treason at the Old Bailey in July of that year. Once again, he convinced a jury to acquit him (or rather, in the carefully chosen words of the jurymen, to find him ‘not guilty of any crime worthy of death’), but there was to be no repeat of the celebrations of 1649.\textsuperscript{24} Viewed as a serious threat to the regime, Lilburne was kept in prison for most of the remainder of his life, first in the Tower, then in Castle Orgueil on Jersey, and finally, as his health failed him, in Dover Castle. It was while on parole from this last prison that Lilburne made his conversion to Quakerism and renounced political activity. Following this declaration, and because of his declining health, Lilburne was given increasing freedom to visit his wife and children, and he died on 29 August 1657 while at liberty in Eltham, Kent.\textsuperscript{25}
‘THE GREAT DARLING OF THE SECTARIES’

The drama and turmoil of Lilburne’s life would alone have attracted the attention of contemporary writers. However, the fact that he was a major political player, capable of attracting significant popular support, meant he drew the fire of hostile pamphleteers and propagandists. Before moving on to discuss Lilburne’s reputation in the eighteenth century, we need to look at how he was portrayed in the 1640s and ’50s, for these delineations of his character, especially those by his opponents, established key features which heavily influenced subsequent accounts.

Strikingly absent from hostile portrayals of Lilburne was any strong assertion of a connection between him and the Leveller movement. When he first emerged as a noteworthy figure, it was as, to use the ‘heresiographer’ Thomas Edwards’s phrase, ‘the great darling of the sectaries’. Edwards recorded that radical preachers prayed regularly for his release from prison. Later, he claimed that a ‘great sectary’ prayed for the downfall of earthly monarchies and that Lilburne might be lifted up in their place. The implications of this story were rammed home with repeated allusions to Lilburne as a new Thomas Muntzer or John of Leiden, who were seen as representing the worst excesses of the popular reformation in Germany. Here, Lilburne was presented as the messianic leader of religious fanatics not the director of a political movement. It was an image which persisted even after the label ‘Leveller’ became common. Another of Lilburne’s hostile biographers, the Presbyterian Cuthbert Sydenham, claimed that it was de facto toleration which had fuelled the growth of the Leveller movement: ‘all that turn Levellers, first leave the Principles of Scripture-Religion, that they may be without check of conscience for any civil disorder’. A mock ‘last will and testament’ produced in 1654 as Lilburne languished in prison in Jersey (notably before his public conversion to Quakerism) continued to harp on this theme. It depicted the erstwhile sectary leaving his lips to the ‘Saints of the Feminine’ and the will itself was presented as being dictated to ‘sister Abigail Lemmon and since published by Ruth Dox’.

Hostile presentations of Lilburne often portrayed him (and his followers) as being of the ‘meaner sort’: in Edwards’s words he was that ‘unworthy, mean man’. This could be linked to ‘social levelling’ and thereby to the kinds of misrepresentations of Levellerism noted by Worden; but it was also a way of knocking Lilburne’s own pretensions, notably his insistence on the ancient pedigree of the Lilburne family and his acquisition of gentlemanly manners and dress. The tactic also delegitimized appeals to the lower house, as Edwards railed:

Let Lilburne, Overton, Larner [the radical printer], and the rest of that rable who talk so much of the House of Commons being their chosen ones, and that a man ought to obey none but whom he chuses with such like, name any Knight or Burgesse whom they chose, or were capable to chuse; for I beleve they were of so mean estate that they had not so much
free-land per annum required by the Statute for them who have voices
Election of Knights of the shire.32

Sydenham, who described the Levellers as ‘mechanick’ (meaning plebeian,
vulgar and coarse), similarly depicted Lilburne as a man of ‘such an inconsiderable Interest, one who could hardly ever challenge more Land in England then might Geometrically serve to make his grave’.33 Others mocked his involvement in the unglamorous trades of brewing and soap-boiling.34

One of the most enduring tropes in anti-Lilburne propaganda was the image of him as the source of all contention. Quarrelsome behaviour in general came to be described as ‘to play Lilburne’.35 Death itself, it was suggested, would not bring an end to Lilburne’s mania for controversy. His mock will ordered that his body be embalmed and his coffin encased in a double-sheath of lead ‘lest it cause either mutiny in Creatures, or Earthquakes’.36 The theme was returned to in the famous epitaph produced following Lilburne’s death:

Is John departed, and is Lilburn gone!
Farewel to both, to Lilburn and to John…
But lay John here, lay Lilburn here about,
For if they ever meet they will fal out.37

These three elements in contemporary portraits of Lilburne, that he was a ‘sectary’, that he had a seemingly insatiable appetite for controversy and that he was of lowly status all proved enduring. But even as Edwards moved from attacking religious radicalism to targeting the army and political Independents, in part three of Gangraena he seems to have felt no need to present Lilburne as a ‘social leveller’. Some critics of the Levellers did argue that demands for equality of rights would soon lead to demands for equality of estates and Edwards might also be seen to be doing this by inference when he compared Lilburne with sixteenth-century German Anabaptists, who argued for the community of goods.38 However, when Edwards shifted from attacking Lilburne as a religious radical to targeting him as a significant political actor, he did so on the grounds that Lilburne and his associates sought ‘the overthrow of the three Estates and the Lawes of the Kingdome, and in the stead of the Fundamentall Government Lawes and Constitution of this Kingdome to set up an Utopian Anarchie of the promiscuous multitude’.39 The line of attack here remained largely political and ideological, not social, and, the word ‘Anarchie’ apart, was arguably only a partisan reading of what the Levellers did indeed pursue.

Significantly, much more was made of Lilburne’s connections with Royalists than of his collusion with radical elements in the army or links with political fellow travellers such as Richard Overton. In part, this was a Parliamentarian response to the treatment of Lilburne’s imprisonments in
the Royalist press where his harsh treatment was used increasingly as evidence of the tyrannical rule of the Army ‘Junto’. The Parliamentarian press responded in turn by depicting Lilburne as a Royalist plotter, colluding in the Tower with the Welsh judge David Jenkins. In 1649, the rumours even became an occasion for humour, when Mercurius Elencticus reported that Lilburne’s gaolers had been ordered to keep him under close watch, as his cell window in the Tower faced that of the Royalist Countess of Carlisle, Lucy Hay. (It was feared that ‘though the distance be very great’ the two might enter into communication via sign-language which might be ‘very prejudicial to the present Government’.) For the Parliamentarian press, and later the Commonwealth’s propagandists, Lilburne’s Royalist intrigues seemed an effective means to undermine his credibility, especially with the army. For the Royalists, the same claims demonstrated how the Parliamentarian cause was divided but also how far the Junto’s ‘tyranny’ had pushed one former supporter. The connections established between Lilburne and the Royalist cause proved of lasting significance for his subsequent reputation. These unlikely alliances became part of the dispute over the accuracy and objectivity of the greatest post-Restoration narrative of the civil wars, Edward Hyde, Earl of Clarendon’s History of the Rebellion, published posthumously in 1702.

POST-RESTORATION LILBURNE

Lilburne’s high profile in the political press of the 1640s and ’50s and his relationship with Oliver Cromwell ensured him a place in many of the chronicles and histories of the civil wars published after the Restoration of monarchy in 1660. In some respects these accounts fit Worden’s description of them as partisan, overtly hostile to the Levellers (misrepresented as social levellers) and factually inaccurate. Heath’s discussion of the Levellers, for example, was accompanied by a marginal note: ‘they lay all things common’. Yet, as with Edwards earlier, he also attacked the Levellers and Lilburne by acknowledging their political radicalism, describing Lilburne as a supporter of ‘democracy’ (with all the evils implicit in that form of government for most seventeenth-century, and especially Royalist, commentators). Heath even followed Lilburne in referring to the Officers’ Agreement of the People as merely a Machiavellian ploy by Cromwell to placate and distract radical opposition to his seizure of power.

Similarly, Anthony Wood – who was deeply critical of Heath’s history for its inaccuracy – nonetheless largely followed his characterization of Lilburne in his Athenae Oxonienses (first published 1691–2), describing him as the chief of the Levellers and a ‘trouble-world’, and picking out the witticism that if ‘the world was emptied of all but John Lilbourne, Lilbourne would quarrel with John, and John with Lilbourne’. The reputation for contentiousness established in the 1640s and ’50s was emphasized by other Royalist historians: Sir William Sanderson depicted Lilburne as an ‘undaunted troublesome spirit’, and John Nalson called him a ‘perpetual trouble to
himself and disease to the ruling Authority’. Nalson’s history also returned to the theme of Lilburne’s lowly status: ‘from this obscure rise crawling up the stairs of a pretended Sanctimony to be a great favourite of the People and asserter of their Liberty’.

Significantly though, the most important post-Restoration history of the civil wars took a different tack. The Earl of Clarendon’s History of the Rebellion delivered a more complex, and at points conflicting, reading of Lilburne and the Levellers. Some elements of his history chimed with the familiar denunciations of other Royalist historians: Clarendon described Lilburne, along with Overton, as a ‘fanatic’, and argued that, in general, the Levellers ‘held great malice’ against the King. However, a more extensive discussion of Lilburne came in book 14 where Clarendon delivered short biographies of both Lilburne and John Wildman in the context of discussing Royalist conspiracies against the Protectorate. Clarendon’s treatment of Lilburne extends over several pages, running from his emergence as a martyr for the puritan cause in the late 1630s through to his career in the Parliamentarian army and on to his engagement with radical politics in the mid to late 1640s. Elements of the established picture of Lilburne remained in Clarendon’s description of him as a ‘poor bookbinder’. But Clarendon’s purpose in rehearsing Lilburne’s biography was rather different from that of most Restoration Royalist historians. For Clarendon, the case of both Wildman and Lilburne represented evidence (admittedly strained) ‘of the temper of the nation, and how far the spirits of that time were from paying a submission to that power, when nobody had the courage to lift up their hands against it’.

This discussion of Lilburne and Wildman, unlike that of most other Royalist historians, was based in part on personal knowledge. As Peacey has noted, during the 1650s, Clarendon, then a leading figure in the exiled court, had seriously considered an alliance between Levellers and Royalists as potentially fruitful, and certainly a better prospect than forging a partnership with Presbyterians to restore Charles II. His reasoning even displayed some sympathy for Leveller ideas, stating that, in seeking to establish a new representative in place of Parliament, they struck at the ‘roote and foundacion’ of the country’s past and present misery. He also felt that the Levellers were less guilty than the Presbyterians of starting the war and had expressed less personal animosity to Charles I while he was alive. Of course, Clarendon was also swayed by more cynical considerations in suggesting an alliance with the Levellers: they were ‘lesser men’ and could be more easily manipulated than the Presbyterians. Generally, Clarendon appears to have viewed the Levellers as well-meaning but naive: individuals, therefore, who could easily be bought off with some ‘spetious concessions’. So, although Clarendon’s Royalist allegiance was transparently on display, he did not present Lilburne as consistently hostile to monarchy, a portrait which fitted with his earlier assessment of the Levellers in the 1650s.
As noted by Philip Hicks, Daniel Woolf and Mark Knights, partisan politics came to dominate historical writing in the first half of the eighteenth century. This was not just a question of the perspective of the authors themselves but was due also to the production and marketing of expensive works of history which were largely dependent on subscriptions gathered from political activists.\(^5\) In the eyes of many contemporaries, history, as a literary form the highest of the polite arts, suffered as a result. A belated target for such complaints was Clarendon’s *History*, in part because the lofty neo-Classical standards that he had sought to attain were seemingly not met in the finished work, subjected to the excisions of his editors and marred by a blatantly pro-Tory preface.\(^5\)

Clarendon’s unusual treatment of Lilburne provided a potentially fruitful point of weakness for his eighteenth-century critics to explore. Volume five of the *Biographia Britannica* (1760), edited by William Oldys, contained a lengthy biography of Lilburne. According to its author, Philip Nicolls, it was also to serve as a partial ‘commentary on the History of the Rebellion’.\(^5\) In scrutinizing the accuracy and objectivity of Clarendon’s *History*, Nicolls provided the fullest biography yet of Lilburne, based on close reading of Lilburne’s own works as well as other available printed civil-war sources. Here we can see evidence of Oldys’s editorial influence. MacGillivray has noted that post-Restoration historians of the civil war often viewed pamphlets and news-sheets as too unreliable to be used as evidence. Wood attacked Sanderson’s histories on just these grounds, as ‘not much valued, because they are mostly taken from printed authors and lying pamphlets’.\(^5\) Oldys, on the other hand, as one might expect of the editor of the *Harleian Miscellany* of rare pamphlets, took a very different view:

> Pamphlets, and such short Tracts, risest [increase or proliferate] in great Revolutions; which tho’ looked upon, by some, but as *Paper Lanterns*, set a flying to be gaped at by the Multitude (in illuminating whom, they have not always escaped the Flames themselves) yet are they beheld, by politic, or penetrating Eyes, as the *Thermometers* of *State*, fore-shewing the Temperature and Changes of Government.\(^5\)

The value of print was, according to Oldys, particularly clear in the case of English history:

> surely, no Nation, has ever given more conspicuous Instances, to what immeasurable Lengths, Animosity, and Indignation will advance, upon the least Imposition, or even Umbrage of Tyrannical or Arbitrary Power; as might be exemplified, among many others, in the restless *John Lilburn*, and the endless *William Prynne*, who had both been bleeding Witnesses thereof. There are near a Hundred Pamphlets, written by, and concerning the *first* of these Authors.\(^5\)
Nicolls’s use of Lilburne’s writings, today still the main source for biographical information on him, highlighted key factual errors in Clarendon’s account: that Lilburne was not a ‘poor bookbinder’ but came from a gentry family and had not died in prison but was on parole at the end of his life. He also took issue with the presentation of Lilburne as a Royalist conspirator – there was always, Nicolls said, a ‘mental reservation’ present in any statements Lilburne made in favour of monarchy. Moreover, even though Nicolls’s editorial interventions indicated he was not entirely sympathetic to his subject (he referred to Lilburne’s ‘supreme vanity’), he did engage thoughtfully with the Levellers’ political programme in the Agreement of the People, describing it, albeit with faint praise, as a ‘not being ill-digested’ plan for settlement.

Nicolls explicitly linked Lilburne with the Leveller movement, describing him as its ‘coryphaeus’ (meaning leader of the group). Tellingly, neither he nor Oldys seem to have felt that they needed to add any explanation of who the Levellers were: besides Cromwell’s biography there were no further references to the Levellers in Oldys’s *Biographia* and no other Leveller writer was deemed worthy of an entry. Nicolls clearly expected, then, that an educated readership would know who the Levellers were and what they stood for. This was a reflection of the fact that many early eighteenth-century histories of the civil wars did indeed discuss the Levellers and identified Lilburne as their leader. Moreover, both hostile and sympathetic histories had given fairly accurate descriptions of Leveller ideology.

This was because for pro-Royalist historians of the eighteenth century, just as for Presbyterian and Cavalier commentators in the seventeenth century, it was possible to condemn Lilburne and the Levellers simply by rehearsing their principles. The Huguenot historian Isaac de Larrey’s account of the reign of Charles I, published in 1716, was clearly written from a pro-Stuart perspective. De Larrey evidently viewed the Levellers and ‘their head, one Lilburn’ with disdain, but his description of their ideas was scarcely a calumny upon them. He described their affirmation of popular sovereignty, their proposals for the reform of Parliament and the electoral system and their belief in equality before the law, and even discussed the Levellers’ manifesto, *The Agreement of the People*, though he felt it was more likely to breed ‘Confusion than Order’. Similarly, the flagrantly Royalist additions to Sir Richard Baker’s *Chronicle of the Kings of England* in its last eighteenth-century edition claimed that the Levellers espoused, not the ‘levelling’ of social status or the abolition of private property, but ‘the equal distribution of justice in government to all degrees of people’. So too the Tory Jacobite Thomas Carte’s *General History of England*:

There was a great part of the army, which still adhered to the old independent principles; and thinking themselves to have the same natural
rights as their superior officers, took it ill to be left without any share in a
government, which was deemed democratical: these men were called
Levellers. John Lilburne... was one of their chieftains.64

So although some early eighteenth-century Tory and Jacobite histories
did characterize the Levellers as social levellers, the Whig polemicist John
Oldmixon was already tackling something of a caricature of Tory/Royalist
presentations of them when he stated that ‘for what is said of their being
against all Degrees of Honour or Riches, and levelling the Count with the
Cobler is false’.65

Some common characteristics emerge from both Tory and Whig histories
of the 1640s in their treatments of Lilburne. He was frequently connected
with the Levellers and identified as their chief or head. Though the Levellers
were occasionally presented in crude terms as advocating social levelling,
most historical accounts depicted them more accurately as supporting pol-
itical and legal reform. (For many of these historians, however, that was at
least as bad as advocating the redistribution of property or the abolition of
social distinctions.)66 Yet, while partisan prejudices were clearly on display
in most early eighteenth-century histories of the civil wars, Lilburne and the
Levellers sat rather awkwardly in this Whig/Tory historiographical battle-
field. Clarendon’s picture of Lilburne and the Levellers, as has been noted,
was ambivalent – they were culpable in the regicide but had also joined the
Royalist cause in the 1650s – but so too was Oldmixon’s. While Oldmixon
was keen to demonstrate, by way of knocking Clarendon, that they were not
ardent Royalists, neither were they seventeenth-century Whigs but rather
regicidal republicans. As a result, the presentation of the Levellers was less
distorted by eighteenth-century party politics than other elements of the
history of the civil wars. Indeed, the urge of some writers such as
Oldmixon and Nicolls to critique Clarendon’s account meant that a consid-
erable premium was set on factual accuracy and thorough research.

LILBURNE THE LITIGANT
If the presentations of Lilburne and the Levellers by Whig and Tory histori-
arians were often impressively accurate, they were scarcely sympathetic.
Lilburne was treated as a figure of some historical significance but he was
certainly not portrayed as a heroic figure. It was not until the second half of
the eighteenth century, in Joseph Towers’s British Biography (1766–72), that
a straightforwardly positive presentation of Lilburne emerged. Towers’s
biography of Lilburne was clearly built upon that constructed earlier for the
Biographia Britannica. Although Towers used some different sources,
there were obvious similarities with Nicolls’s biography in terms of phrasing
and quotations from Lilburne’s works.67 Like Nicolls, Towers also used his
life of Lilburne to criticize the accuracy of Clarendon’s History.68 However,
Towers’s portrait diverged from its predecessor in two significant ways.
First, Towers removed the reference to the ‘Levellers’, and second, in
place of Nicolls’s heavily annotated text, he produced a smooth-flowing and
glowing account of Lilburne’s life, describing his subject as an ‘undaunted
spirit, in his private life irreproachable, and attracted to the cause of liberty
to a degree even of enthusiasm’.69

So, at the same time as Lilburne’s own character was being rehabilitated,
his connection to the Leveller movement was being obscured. One explana-
tion for this shift might be a change in the type of source material exploited
by biographers. Those early eighteenth-century historical works had, by and
large, been lengthy and very expensive works readily available only to
wealthy subscribers. They had been based on compendia of civil-war sources
(John Rushworth’s Historical Collections – part four published in 1701,
Bulstrode Whitelocke’s Memorials, 1682, and Edmund Ludlow’s Memoirs,
1698–9) which were equally costly. But from the evidence of
eighteenth-century booksellers’ catalogues, the most commonly available
work relating to Lilburne was Clement Walker’s account of his 1649 treason
trial, The Triall of Lieut. Collonell John Lilburne, which was issued in two
editions, the first printed by Henry Hills in the year of the trial, the second
by his son, Henry Hills jnr, in 1710.70

Given the timing of the publication of the second edition, it is tempting to
see a connection between Lilburne’s case and another celebrated ‘state trial’,
that of the High Church clergyman Henry Sacheverell. However, though
Hills jnr’s edition was advertised with an anti-Sacheverell pamphlet, this
doesn’t appear to have been the main motivation behind the reissue.71
Instead, Hills lived up to his reputation as, in John Dunton’s words, an
‘Arch-pirate’ by remarketing his father’s old stock as a cut-price alternative
to buying existing copies of the first edition: ‘price 1 s... former edition was
sold at 2 s. 6d.’, as the advert ran.72 The pamphlet remained available and
relatively cheap in booksellers’ catalogues; only very good copies retaining
the original print of Lilburne at the bar (see Fig. 1) commanded higher
prices.73 Besides the two pamphlet editions of the 1649 trial, it was also
reproduced in the periodical press and featured in a number of collections
of state trials which were also serialized.74

Hills jnr’s advertisement, attached to the end of the 1710 edition, sug-
gested that there was a greater market for Lilburne’s works:

There being several Pamphlets, written by Lieutenant Colonel John
Lilburn (besides this Tryal,) Therefore all Gentlemen that have any of
his Works by ’em, if they please to communicate them to the Printer, he
having several by him already, they shall be justly and faithfully Printed
and Published, and the Favour most thankfully acknowledg’d by H. H.75

The widespread availability of this tract might also suggest, however, that
supply very much outstripped demand. The evidence from booksellers’
advertising was mixed. On the one hand Lilburne’s name, as in the seven-
teenth century, was clearly seen as a useful marketing ploy, even in the case
of pamphlets which were not authored by him or which were only tangentially related to his career. On the other, whole volumes of Lilburne’s tracts regularly featured in catalogues priced at only a few shillings, hardly indicating either scarcity or an insatiable public thirst for his writings. In addition, besides the 1710 edition of Lilburne’s trial, there were few other eighteenth-century reprints of his works. Excluding trial proceedings, Lilburne’s *An Impeachment of High Treason against Oliver Cromwell* (1649) was reprinted in the *Harleian Miscellany*; and *The Picture of the Council [sic] of State* (1649) was included in the first edition of a planned series of reissues, *Valuable and Scarce Tracts* (1769), though this never went beyond the first edition.

The greater availability of accounts of Lilburne’s trials, especially that of 1649, does not alone explain why in the later eighteenth century interest in Lilburne the Leveller decreased and focus upon Lilburne’s legal battles intensified. Instead, later eighteenth-century courtroom struggles over the freedom of the press encouraged comparisons with Lilburne’s seemingly equivalent disputes in the seventeenth century. By the beginning of the 1760s, Lilburne’s name was being invoked in the press along with that of John Peter Zenger. (Zenger was the German-American printer whose 1735 case established that actions for seditious libel could be challenged on the basis of the truth of the claims, even if the substance of what was published was slanderous.)

As Worden notes, Lilburne’s name came to be firmly connected to the cause of the freedom of the press in the wake of the notorious *North Briton* case of 1763, when John Wilkes was accused of libelling George III in issue forty-five. (Wilkes had attacked the king’s speech which had praised the peace terms secured with France at the Treaty of Paris.) The comparison was so keenly felt that in June 1763 Wilkes was even presented with a copy of Lilburne’s 1649 trial and the medallion commemorating it. It is worth adding that Lilburne was already being invoked ironically by the supporters of Lord Bute’s government before this celebrated trial. *The Briton*, the loyalist precursor of Wilkes’s journal, cited the cases of Lilburne, Bastwick, Burton and Prynne to suggest ironically that the only remedy to the evils of the times must be to print treason. In the same journal, an associate of the pro-Wilkes Mayor of London, William Beckford, was described as a ‘modern Lilburne in war and patriotism’. By far the most frequent comparison made, however, was between the treatment of Wilkes and that of Lilburne during the trial of 1637. The allusion was made frequently in the Wilkesite press, and one loyalist author complained that, reading the writings of Wilkes’s supporters, one would think Lord Bute was also accountable for the treatment of Lilburne over a century earlier.

Consequently, as much as supporters of freedom of the press identified Lilburne as a worthy predecessor, the affinity suggested between him and Wilkes was also used to attack the Wilkesite cause. One anti-Wilkes satire, *An Epistle from Col. John Lilburn, in the shades, to John Wilkes Esq.*, 


probably published in 1765, imagined Lilburne corresponding to Wilkes from the ‘infernal shades’. These attacks returned to familiar themes in hostile biographies of Lilburne: that he was of low birth (Clarendon’s description of him as a ‘poor bookbinder’ was recycled); that he was congenitally argumentative; and that he used his struggles primarily to advance himself, the press allowing Lilburne to acquire a reputation ‘in a sphere more extensive than I seemed intended for, by my birth, or station in life’.85 The satire imagined Lilburne and his radical associates toasting Wilkes in the underworld:

For you must know, we lead very merry lives here in the infernal shades: our wine is as good as that which you drink in the upper world; and you are become so much my favourite, that whenever I go to a tavern to drink a bottle with a friend, the first toast I give is to W[il]kes and Liberty.86

Lilburne’s public commemoration in the eighteenth century therefore revealed a character whose attributes remained highly contested. To compare a contemporary figure with him was to make a political statement. ‘Lilburne’ continued to be used as a by-word for contentiousness and rabble-rousing. As the conflict between Britain and its thirteen American colonies heated up in the 1770s, one correspondent, signing himself ‘Yankee’, complained of the presentation of American legislators as ‘so many Col. Lilburne’s’.87 Advocates of political reform, such as Charles Lennox, 3rd duke of Richmond, were also, like Wilkes, presented in the loyalist press as the political ancestors of ‘John Lilburn of notorious memory’.88 Yet, at the same time, ‘the famous John Lilburne’ continued to be invoked by defenders of freedom of the press and his struggles in the 1630s and ’40s compared with those of contemporary figures. John Horne (later Horne Tooke)’s behaviour at his libel prosecution in 1777 (for drawing up an advertisement to raise a public subscription for the American colonists injured at the battles of Lexington and Concord) was compared to that of the ‘celebrated Col. John Lilburne who was tried at Guildhall for a treasonable libel, in the year 1694 [sic]; a man whose daring spirit gave Cromwell and his Council the greatest apprehensions’.89

This was not simply a case of eighteenth-century reformers searching for convenient historical predecessors. The invocation of Lilburne reflected the continuing importance of the law to late eighteenth-century radicalism.90 Moreover, the arguments voiced by Lilburne at his 1649 trial had a real impact on the law and, by extension, the role of juries. Allusions to Lilburne’s legal struggles persisted into the era of more self-conscious radicalism in the 1790s. In a speech given in Parliament, 20 May 1791, Charles James Fox compared the contemporary libel case involving John Luxford, printer of the Morning Herald, with that of Lilburne in 1649, with the qualification that while he agreed with Lilburne that juries were sometimes required to be judges of law as well as fact, he did not endorse Lilburne’s
vitriolic attack on the judiciary. The connections drawn by Fox between Lilburne and Luxford were significant as the speech laid the ground for the 1792 Libel Act, also known as Fox’s Act. This legislation, still on the statute books today, clarified the role of juries in trials for libel, confirming that they might give a ‘general verdict on the whole matter put in issue’.

Lilburne was invoked across a broader range of issues than simply press freedom. This was evident in the later work of Joseph Towers. Aside from his biographical work, Towers was also a major eighteenth-century advocate of the role of juries as judges of law. The process of revising Philip Nicolls’s original biography clearly influenced Towers: while his 1764 pamphlet on the rights of juries (published the year following Wilkes’s North Briton libel case) carried no mention of Lilburne, his 1784 book on the same subject listed Lilburne as an important authority in support of the ‘pro-jury’ view. Lilburne has also been seen as an important influence on the conception of jury rights in the American colonies in the eighteenth century, although there is little direct evidence of his trial of 1649 being invoked as a precedent.

Given the enduring importance of the 1649 trial to these discussions, identifying Lilburne as a defender of the rights of juries was, of course, only a relatively small development from seeing him as an advocate of the freedom of the press. A more dramatic legal allusion to Lilburne was made in 1772 in the case of James Somerset. Somerset was the slave of a Scottish merchant and senior colonial customs official, Charles Stewart. Somerset left his master’s service while Stewart was on a visit to London but was recaptured two months later and kept in captivity. The case, often seen as a landmark in the history of the abolition of the slave trade, hinged on whether a writ of habeas corpus which had been made to free Somerset could apply to a slave. One of the lawyers supporting the writ, Francis Hargrave, employed an obscure sixteenth-century precedent, ‘Cartwright’s Case’, to demonstrate that ‘England was too pure an air for a slave to breathe in’.

But the only reference to this case came in another trial, the Star Chamber proceedings against Lilburne in 1637. Cartwright’s case supposedly revolved around the treatment of a Russian slave owned by the eponymous Cartwright, an English merchant. Cartwright was indicted for having severely beaten his slave in public, actions that the merchant felt were lawful given the slave’s status as his chattel. The court, however (at least as Lilburne reported it), rejected this defence on the grounds that slavery was incompatible with English common law, upheld the charge of battery and freed the Russian. Hargrave noted that although the case had been cited by the ‘famous John Lilburne’ there was scant supporting evidence to corroborate this account of the trial. Nonetheless, Somerset’s lawyer argued, the account was credible as it had been endorsed by the Commons when they impeached the Star Chamber judges in 1640. Lord Chief Justice Mansfield’s verdict in the case may have been rather limited in law,
essentially affirming that a writ of habeas corpus might apply even to a slave. However, the decision was widely read as rendering slavery incompatible with English law.99 Lilburne’s rhetoric of the ‘freeborn Englishman’ had been extended dramatically. Lilburne was now being celebrated not just as a litigant but as a liberator.

Lilburne, then, continued to be seen as a ‘martyr to liberty’ in the broadest sense, not merely as a defender of the liberty of the press, or even of the rights of juries.100 Moreover, he was a figure who was most often invoked positively by eighteenth-century reformers and radicals.101 By the late eighteenth century, ‘Leveller’ appeared to have lost any specific historical meaning and, in its use by John Reeves’s Loyalist associates, had come to be taken as applying to any who would attack private property.102 But though connections between Lilburne and the Leveller movement had been less frequently drawn in the later eighteenth century, they had not been obscured altogether. Loyalist histories and biographies of the late 1790s certainly continued to make the link. Stephen Jones’s A New Biographical Dictionary (1796), referred to him as ‘the ring-leader of the Levellers’, while Noble’s Lives of the English Regicides (1798) discussed ‘the well-known John Lilburne of factious memory’ alongside the Agreement of the People – ‘a plan of jurisprudence just one remove from what would be sufficient for a nation in the first years of its emerging from absolute barbarism’.103 Lilburne’s works also continued to be read and admired by early nineteenth-century radicals. The publisher-printers William Hone and Richard Carlile, the former in private, the latter in public, both invoked Lilburne as an advocate of ‘true liberty’ who understood the revolutionary potential of the printing press.104

The above suggests that Lilburne continued to divide opinion: loyalists could still cite him as a dangerous mob demagogue while a variety of reformers from comparative moderates such as Charles James Fox to self-identified republican ‘atheists’ such as Carlile could treat him as an illustrious predecessor. That the connection between Lilburne and the Levellers was still being made in the 1790s, although infrequently, suggests that Reeves’s loyalist campaign against ‘Levellers and Republicans’ did not completely dissuade radicals from identifying with him. The more cautious, such as Hone, might prefer to keep allusions to Lilburne submerged within their texts, the more daring and outspoken, such as Carlile, were prepared to make their admiration public.

CONCLUSION
Lilburne’s reputation unquestionably dipped in the early nineteenth century, just as the reputation of Oliver Cromwell began to rise. For the historian Thomas Carlyle, for example, Lilburne was merely ‘noisy John’, the irritating gnat perpetually bothering the ‘great man’ Cromwell.105 Even some of Lilburne’s nineteenth-century descendants came to endorse this view. In the mid nineteenth century, Charles Lilburn, a Sunderland Justice of the Peace,
began constructing his own biography based largely on his private collection of over fifty of Lilburne’s pamphlets. The portrait of his ancestor that emerged was, however, scarcely glowing, a result of the influence of William Godwin’s *History of the Commonwealth* (1824), a work which had

Fig. 2. Image of John Lilburne from ‘Walks Round London’, in *Boys of England: a Young Gentleman’s Journal of Sport, Travel, Fun and Instruction*, 79, 22 May 1868, p. 4. The 1649 image is clearly the template for this later illustration, but now Lilburne is divorced from the original legal setting and the text he is reading is no longer Sir Edward Coke’s *Institutes* but the Bible.
contrasted Lilburne’s ‘self-interested’ behaviour with the ‘patriotic’ actions of Cromwell.  

The Victorian cult of Cromwell only goes some way to explaining why Lilburne’s reputation diminished in the nineteenth century. For one thing, the negative character traits identified by hostile biographers of Lilburne had altered little from the seventeenth to the early nineteenth century: he was still presented as an ambitious habitual controversialist, driven by religious zeal. Indeed, much of this picture remained in place in twentieth-century representations of Lilburne. A more convincing explanation can be found in the increasingly politicized uses of Lilburne’s life in the later eighteenth century. As has been shown, early eighteenth-century historians often delivered reasonably accurate, if largely unsympathetic, depictions of Lilburne and the Levellers. From the 1760s onwards, a more heroic image of Lilburne developed, built in part on his own writings and emphasizing his own courtroom struggles rather than the wider history of the Leveller movement. This Lilburne was invoked in later eighteenth-century controversies over freedom of the press, the power of juries and even the rights of slaves. One reason why Lilburne’s star dimmed, it might be suggested then, was because these battles had largely been won (in part through the persistent influence of his arguments and example).  

Unquestionably these later depictions of Lilburne (including visual ones: see Fig. 2) diminished or even completely obscured his connections with the broader context of mid seventeenth-century radicalism. But the focus on Lilburne as an individual did not involve a significant distortion of his self-presentation in the seventeenth century, which had concentrated heavily on his personal struggles. Neither is it the case, as F. K. Donnelly argues, that Lilburne’s ideals were a poor fit with eighteenth-century radicalism. The causes in which Lilburne’s name was invoked were all ones that connected with his own political philosophy: the rights of juries and their role as a bulwark against royal and parliamentary tyranny; the importance of a free press – ‘a liberty of greatest concernment to the Commonwealth’ – and even the incompatibility of slavery with the rights of freeborn Englishmen. Of course, the exact parameters of these disputes had changed over the course of a century and more: the late eighteenth-century debate over slavery had very different targets from that engaged in by Lilburne and the Levellers. Similarly, Lilburne’s more radical position on the jury was moderated in Fox’s Act to regulating the judiciary’s role rather than usurping it. However, there is a danger that in emphasizing the separateness of historical epochs, historians have undervalued the degree of intellectual sympathy and continuity between the radicalism of the seventeenth century and that of the eighteenth. We do not need to invest in a grand narrative of an English ‘radical tradition’ to acknowledge that the English revolution of the seventeenth century had both intellectual and practical consequences for the eighteenth century. A life which ended in political retreat in Eltham in
1657 was resurrected in the 1700s to take up the ‘temporal sword’ once more.

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**NOTES AND REFERENCES**

I would like to thank Mike Braddick, Victoria Gardner, Jason Peacey and the anonymous reviewers of *HWJ* for their comments on this article.

1 James Heath, *A Chronicle of the Late Intestine War in the Three Kingdoms of England, Scotland and Ireland . . . to which is added A Continuation to this present year 1675,* London, 1676, p. 2.


9 For the use of ‘Lilburne’, ‘Lilburn’ or ‘Lilbourne’ as a pen name see *Gazetteer and New Daily Advertiser,* 7 March 1770, no. 12,797; *Gentleman’s Magazine* 40, 1770, p. 120; *Middlesex Journal or Chronicle of Liberty,* 23–26 Feb. 1771, no. 297; *Morning Chronicle and London Advertiser,* 24 Oct. 1781, no. 3,881. (Unless otherwise indicated, newspapers and periodicals are unpaginated.)


12 Simon Morgan, ‘Celebrity: Academic “Pseudo-event” or a Useful Concept for Historians?’, Cultural and Social History 8: 1, 2011, pp. 95–114, at p. 98.


14 See Thomas Edwards, The first and second part of Gangraena, 1646, pt. 2, pp. 23–4, 84–5; Ann Hughes, Gangraena and the Struggle for the English Revolution, Oxford, 2004, p. 117. (Unless otherwise stated, pre-1800 works were published in London.)


16 John Lilburne, L. Colonel John Lilburne Revived, 1653, p. 1, quoted in Andrew Sharp, ‘John Lilburne’, ODNB. (These wistful, romantic memories were undercut, as Ann Hughes notes, by Lilburne’s complaint on the same page about the ‘sneaking terms’ that Elizabeth was prepared to make with Cromwell in order to secure his release. See Ann Hughes, ‘Elizabeh Lilburne’, ODNB and Ann Hughes, Gender and the English Revolution, Abingdon, 2012, pp. 57–8, 100–1.)

17 John Lilburne, Rash Oaths Unwarrantable, 1647, p. 10.

18 Lilburne, Rash Oaths, p. 30.


21 Lilburne, Legall Fundamentall Liberties, p. 29.

22 Theodorus Verax [Clement Walker], The triall of Lieut. Collonell John Lilburne, 1649, p. 121.


24 Green notes that the response of the jury in 1653 demonstrated that they had been convinced again by Lilburne’s arguments, in this case that juries could protect the citizen against unjust laws, Verdict According to Conscience, pp. 192–7.

25 This brief overview of Lilburne’s life is indebted to Sharp, ‘John Lilburne’, ODNB, and Gregg, Freeborn John.


27 Edwards, Gangraena, pt 3, p. 151. As Hughes notes, Lilburne was a favourite target of Edwards, so much so that he claimed that he had planned to write a biography, Hughes, Gangraena and the English Revolution, 2004, pp. 64–5.


29 Anon., The Last Will and Testament of Lieutenant Col. John Lilburn, 1654, p. 4. ‘Lemmon’ and ‘Dox’ evoke ‘leman’ (illicit mistress) and ‘doxy’ (prostitute).


31 See Lilburne’s comment in A Worke of the Beast, 1638: ‘I am the Sonne of a Gentleman, and my Friends are of rancke and quality in the Countries where they live’, quoted in Gregg, Free-born John, p. 21.


33 Sydenham, Anatomy, A2v.

34 Last Will and Testament, p. 5; Mercurius Politicus, 6–13 June 1650, no. 1, p. 16.

35 Mercurius Pragmaticus, 25 April–2 May 1648, no. 5, [unpaginated, p. 2].

36 Last Will and Testament, p. 3.

37 The Selfe Afflicter Lively Described in the whole course of the life of Mr. John Lilburn, 1657, p. 14.
42 Mercurius Elencticus, 10–17 Sept. 1649, no. 21, p. 162.
43 Heath, Chronicle, pp. 131, 187.
45 Sir William Sanderson, A Compleat History of the Life and Raigne of King Charles from His Cradle to his Grave, 1658, p. 867.
52 Nicholas, Nicholas Papers, vol. 1, p. 143.
54 Hicks, Neoclassical History, pp. 69–73.
56 MacGillivray, Restoration Historians, p. 12.
65 John Oldmixon, The History of England during the Reigns of the Royal House of Stuart, 1730, p. 338; for an example of Levellers portrayed as ‘social levellers’ see Robert Menteith (also known as Monteth of Salomonet), The History of the Troubles of Great Britain, transl. James Ogilvy, 1735, p. 325.
66 For Lilburne as an enduring example of sectarian ‘enthusiasm’ see the High Church periodical Scourge, 21 May 1717, no. 16 [unpaginated]; for Lilburne as a troublemaker see the comparison made between Daniel Defoe and Lilburne as controversialists in the Weekly Journal or British Gazetteer, 22 Nov. 1718, p. 1,208.
Although Alexander Gordon’s *DNB* article on Towers suggested that the ‘biography contained much original work, the fruit of his research in the British Museum’, Towers’s notebook, which details books borrowed and bought, does not mention his having looked at Lilburne’s works independently: Bodleian Library, Oxford, MS. Eng. Misc. e. 334. The main differences in terms of the sources used appear to be that Towers used Bulstrode Whitelocke’s *Memorials*, 1682 and the 1710 edition of Lilburne’s 1649 trial. See Towers, ‘Life of Lilburne’, pp. 60, 61–63 and 67.

70 From a sample of fifty booksellers and library catalogues accessed via Eighteenth Century Collections Online which contained mention of Lilburne’s works, twenty-nine listed the 1649 trial. The next most commonly occurring work was *A Picture of the Council of State*, 1649, with just two listings. For Hills’s pamphlet see also Donnelly, ‘Levellerism’, p. 263.
71 See Evening Post, 26 August 1710, no. 162. The anti-Sacheverell pamphlet was *A New Map of the Laborious and Painful Travels of our blessed High-Church Apostle*, 1710.
73 See Thomas Payne, *A New Catalogue for 1797*, 1797, p. 132 which advertised a ‘very neat’ copy of the trial with portrait for 9 s compared to a typical price of between one and three shillings.
75 *Tryal*, 1710 edn, p. 132.
77 John Manson, *Manson’s Catalogue for 1791*, 1791, offered a volume of eight tracts by or about Lilburne for only five shillings, p. 23.
79 *Public Ledger or the Daily Register of Commerce and Intelligence*, 20 Feb. 1760, no. 34.
80 Worden, ‘Lvellers in History and Memory’, p. 269; Braddick, ‘Celebrity Radical’, p. 35.
81 Donnelly, ‘Levellerism’, p. 263. This copy of Lilburne’s trial pamphlet is now owned by Andrew Whitehead. I thank him for this information. The title page and inscription of this pamphlet are being posted on History Workshop Online.
82 The Briton, 11 Sept. 1762, no. XVI, p. 95; 10 Nov. 1762, XXV, p. 149.
83 Lloyd’s *Evening Post* 3–6 June 1763, no. 920, p. 530; *Public Advertiser*, 6 June 1763, no. 8,916; *London Evening Post*, 26–8 Feb. 1765, no. 5,824.
86 An *Epistle*, p. 11.
87 St James’s *Chronicle or the British Evening Post*, 26–9 Oct 1776, no. 2,441.
89 *General Evening Post*, 3–5 July 1777, no. 6,789.
91 *Speeches of the Rt Hon. Charles James Fox in the House of Commons*, ed. Goldwin Smith, 6 vols, London, vol. 6, pp. 254–5; see pp. 244–70 for the whole speech on the bill. The speech was widely reported in the press. *St. James’ Chronicle or the British Evening Post*, 19–21 May, 1791, no. 4,696; *Diary or Woodfall’s Register*, 21 May 1791, no. 674 and *Morning Post and Daily Advertiser*, 21 May, 1791, no. 5,638.
92 For the text of the act as it currently remains in force, see http://www.legislation.gov.uk/apgb/Geo3/32/60/body.


94 Joseph Towers, *An Enquiry into the Question, Whether Juries are, or are Not, Judges of Law as well as of Fact*, 1764; Towers, *Observations on the Rights and Duties of Juries*, 1784, pp. 27–8. Towers, ‘Life of Lilburne’, pp. 61-67 contained an extensive discussion of the argument that jurors were judges of law as well as fact with reflections on eighteenth-century libel cases.


97 Francis Hargrave, *An Argument in the Case of James Sommersett A Negro, Lately Determined by the Court of King’s Bench*, London, 1772, p. 50. A famous quotation, but one not spoken at the trial, see Hargrave, *Argument*, p. 9.


99 On the contrast between the content of Mansfield’s judgement and the public perception of the verdict, see Ruth Paley, ‘James Somerset’, *ODNB*.

100 *General Evening Post*, 8–10 July 1777, no. 6,791.


106 See University Library Durham, Add MS. 763, ‘The Lilburne M.S.’. The Lilburne tracts were bound into three volumes, see Durham University Library Special Collections SB 1614–16. I am grateful to Alex Barber for bringing the Lilburne MS. to my attention.


109 I owe this point to Victoria Gardner.

110 For which see Braddock, ‘Celebrity Radical’, throughout.

111 Donnelly, ‘Levellerism’, p. 269. For a contrasting argument which emphasizes radical re-engagement with English revolution in the later eighteenth century, see Zaller, ‘Continuity’, p. 35.


114 Green, *Verdict According to Conscience*, p. 381.