

## JOHN LILBURNE (1615-1657): ENGLISH LIBERTARIAN

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### Introduction

2007 marked the 350<sup>th</sup> anniversary of the death of John Lilburne, a remarkable Englishman. He became known to his contemporaries as “Free-born John”.<sup>1</sup> He described himself as “a lover of his country and sufferer for the common liberty”.<sup>2</sup>

His biographer Pauline Gregg concluded:

*He could be called the first English Radical—a great-hearted Liberal—a militant Christian—even if the spirit of his teaching were taken fully into account, the first English democrat. But it is better to leave him without a label, enshrined in the words he spoke for his party: “And posterity we doubt not shall reap the benefit of our endeavours, what ever shall become of us.”*<sup>3</sup>

His courageous campaigns for liberty resulted in him spending much of his life in prisons. These included Fleet prison in London, Oxford Castle, the notorious Newgate prison also in London, the Tower of London, Mount Orgeuil Castle in Jersey, and Dover Castle.

*“Martyr, folk-hero and demagogue” as Professor Haller calls him, he was the prime driving force behind the Leveller movement and its undisputed leader.*<sup>4</sup>

The Levellers were a group of political activists in the seventeenth century, who campaigned for radical change, by writing and distributing pamphlets, petitions and manifestos; and by arranging meetings in taverns to spread their ideas. Amongst their leading writers and pamphleteers, besides John Lilburne, were Richard Overton, William Walwyn, Thomas Prince and John Wildman.

Probably the most famous document compiled by the Levellers is one entitled *An Agreement of the People*. The demands listed included regular elections, religious freedom, equality before the law, an end to conscription for war service, equal electoral

districts according to population and universal manhood suffrage.

This is how Nicholas Reed summarized the Levellers’ legacy:

*The Levellers’ extensive programme comprised some twenty points of reform... Sixteen have come about in the last two centuries. Only four remain. Those four are the reform of the House of Lords, reform of the government of the City of London, the adoption of a written constitution and the withdrawal of British troops from Ireland. The first and last have been partially achieved in the last ten years, leaving only two points still to be enacted. For those, possibly the majority of people, who think all four reforms desirable, that means the Levellers were right about every one of their aims: 350 years before most of them came about. For radicals, it is highly encouraging to find a group of amateur reformers inventing a programme which has been amply justified by history, centuries later.*<sup>5</sup>

The reader, depending on when he or she is reading this, may need to update any further developments—e.g. on the 31<sup>st</sup> July 2007 British troops officially stood down from active duty in Northern Ireland)—but the point is well made I think.

When Lilburne was brought before the court of Star Chamber he refused to take the oath. “It is this trial that has been cited by constitutional jurists and scholars in the United States of America as being the historical foundation of the Fifth Amendment to the United States Constitution. It is also cited within the 1966 majority opinion of *Miranda v Arizona* by the U.S. Supreme Court.”<sup>6</sup>

The late United States Supreme Court Judge Hugo Black, who often cited the works of John Lilburne in his opinions, wrote in an article for *Encyclopaedia Britannica* that he believed John Lilburne’s

constitutional work of 1649 was the basis for the basic rights contained in the U.S. Constitution.<sup>7</sup>

John Lilburne has the unusual distinction of being an Englishman who has been put on trial for his life twice and acquitted twice. During his lifetime he enjoyed huge popular support and in the mid 1600s was almost certainly the most popular man in the country.

Although many veterans of the Libertarian movement (and some on the political left such as Tony Benn), as well as scholars of political and legal history, and those with a particular interest in seventeenth century English history, will all be well aware of John Lilburne, he is not widely known amongst the majority of the English populace. This is a great pity as he is truly one of England's greatest sons. In this essay I will give a brief biography, chronicling the main events of his life, and conclude by giving reasons why I believe the modern term "Libertarian" is an appropriate label to attach to "Free-born John".

### Family Background

John Lilburne's mother, Margaret, was brought up in a royal palace. This was because her father, Thomas Hixon, was the Keeper of the Standing Wardrobe to Queen Elizabeth I at the ancient royal Palace of Greenwich, on the south bank of the Thames. The Hixon family lived within the Palace precincts and Thomas was responsible for the care and maintenance of the royal carpets, furniture and wall hangings.

In 1599, Margaret Hixon married Richard Lilburne of Durham and Richard moved south to come and live with his wife. Richard's family came from Thicklely Punchardon, County Durham, in the North East of England. The family's claim to fame was that Richard's grandfather attended Henry VIII at the Field of the Cloth of Gold.<sup>8</sup> The ancient family of Lilburnes were merchants and landowners from the counties of Northumberland and Durham. Richard was the eldest son of a country gentleman and only 16 years old when he married Margaret.

When Richard's father died in 1605, Richard and his wife moved to Thicklely Punchardon, so that Richard, as the eldest son, could take over the fam-

ily home. Whilst living in the north, Richard and Margaret had three children, Elizabeth, Robert and John. John Lilburne was born in Sunderland in 1615. He was just one year younger than his brother Robert, who later became famous to history as one of the regicides who signed Charles I's death warrant. Later the family moved back south, to Greenwich, where Richard and Margaret's fourth child, Henry, was born in 1618.

In the following year, Richard's father-in-law, Thomas Hixon, died. In the same year, only four months after the death of her father, Richard's wife Margaret died. This means that John Lilburne was only about four years old when his mother died. Richard, now a widower, took his three sons and daughter back to the family home in Thicklely Punchardon.

The young John Lilburne studied at Grammar schools in Bishop Auckland and Newcastle-upon-Tyne and on the completion of his education was encouraged by his father to take up an apprenticeship in London.

### London Apprenticeship

At 14 years of age John Lilburne was apprenticed to Thomas Hewson, a trader in woollen cloth in London. This apprenticeship was to last between 1630 and 1636. His master was a Puritan and it was he who introduced John to the physician Dr John Bastwick, a Cambridge educated intellectual, who had been imprisoned by the authorities for writing and publishing Puritan tracts in Latin, expressing opposition to the Bishops. Towards the end of his apprenticeship, John would visit Bastwick regularly at Gatehouse prison in Westminster and the two men developed a mutual respect.

Puritan dissension was rife at this time. The word Puritan was a general term which included members of numerous groups, such as Calvinists, Independents, Presbyterians, and Brownists (followers of Robert Browne), as well as many others. What they all had in common was their rejection of the Anglican Church, which they associated with popish ceremonies and rituals; what they all embraced was a more individualistic approach to religious faith. They rejected the need for bishops, which they identified with the Catholic Church, and preferred to rely instead on their own interpretation

of the scriptures. These trends were related to the fact that English translations of the Bible were now readily available, and were no doubt also helped by the expansion of the printing industry, which enabled the publication of numerous religious books and pamphlets. Foxe's *Book of Martyrs* was a popular book at this time and certainly one read by Lilburne.

### Illegal Printing and Book Smuggling

A licensing law, enacted in 1586, existed to prevent the publication of seditious books and pamphlets; the authority for this rested with the Archbishop of Canterbury or the Bishop of London. Once licensed, a book needed to be registered with the Stationers Company before being printed. The Stationers Company had the powers to seize unregistered stock and arrest offenders, who would then be brought before the court of Star Chamber for trial.

Many Puritan books and publications were unlicensed and therefore sold illegally by book dealers sympathetic to the cause. One such dealer was the elderly John Wharton, a Bow Lane bookseller, who approached John Bastwick to encourage him to write an anti-bishop text in English. Bastwick duly obliged by writing *The Letany*.

A few copies of *The Letany* were secretly circulated to interested parties. John Lilburne was so impressed with its contents that he came up with a plan to produce more copies by going to Holland, thus getting around the printing ban, and then smuggling copies back into England. Bastwick had reservations at first, because of the risks involved, but did eventually sanction the operation.

The enthusiastic young Lilburne set off for Holland and in 1637, before the first half of the year was over, thousands of copies were arriving in England—unfortunately large numbers of these were being seized at the ports by the authorities.

John Chilliburne, a servant of John Wharton, who had been given the job of receiving and distributing copies of *The Letany* in England, was promptly arrested and then subsequently released. This was followed by the arrest of John Bastwick, who was to be tried before the dreaded Star Chamber.

### Three Puritan Martyrs

Two other prominent Puritans were on trial with John Bastwick on June 4, 1637. There was William Prynne, a lawyer, who was an opponent of the church policy of William Laud, the Archbishop of Canterbury. His writings attacked the Arminian High Church policies of the Government. His most famous work, *Histriomastix* (1632), was a puritanical critique of theatre, masques and dance. This led to the tips of his ears being cut off, and imprisonment, as *Histriomastix* was interpreted as a criticism of the Queen, who liked masques and plays. He had continued to write, what were perceived to be scurrilous tracts, whilst still in prison—hence his appearance before the court of Star Chamber.

Also on trial was Dr Henry Burton, a one-time tutor of the future Charles I, who was critical of William Laud's policies and preached as much in his own parish church.

All three were found guilty and sentenced to have their ears cut off, to be fined £5000 each and to suffer perpetual imprisonment. In addition Prynne was to have his cheeks branded with the letters 'S' and 'L' for Seditious Libeller.

On June 30, 1637 the punishments were to be carried out in New Palace Yard, Westminster, which was thronged with people who had come to watch. On seeing the three pillories, where the prisoners were to be clamped, Henry Burton famously said, "Me thinks I see Mount Calvary where the three Crosses ... were pitched".<sup>9</sup>

John Bastwick, who was the first to put his head in the pillory remarked, "Had I as many lives as I have haire on my head, or drops of blood in my veynes, I would give them up all for this Cause".<sup>10</sup>

When in the pillory, Prynne courageously cried out, "Come seere me, seere. Burn me, cut me, I fear not!"<sup>11</sup>

And so it was that the three Puritan martyrs were pilloried and mutilated in public for stating their beliefs—persecuted for being against Episcopacy.

## Whipped, Pilloried and Imprisoned

Lilburne returned to London in December 1637. Betrayed by Chilliburne, Lilburne was arrested by the Stationers' men, on suspicion of importing scandalous books from Holland.

He was imprisoned in Fleet and then brought before the Star Chamber, where he refused to take the Oath. Wharton, who appeared before the same court, was equally obstructive. The court declared Lilburne and Wharton, "guilty of a very high contempt and offence of dangerous consequence, and evil example".<sup>12</sup>

As H.N.Brailsford explains:

*But Lilburne's chief purpose when he defied the Star Chamber was to establish a basic civil right—the right of an accused person to refuse to incriminate himself. It was characteristic of the so-called 'prerogative courts' that their procedure was based on the examination of the arrested person, who was required to take an oath even before he was charged. The purpose of these courts was to secure a conviction by extracting a confession, rather than building up a case against him on the evidence of others. Wherever confession is regarded as the ideal form of proof which every officer of justice is bent on achieving, not all of them resist the temptation to use illegitimate forms of pressure, ranging from bullying and trickery to physical torture.*<sup>13</sup>

Lilburne and Wharton were sentenced to be fined £500, and to be pilloried in New Palace Yard before being sent back to Fleet prison, where they were to be held until they conformed. Furthermore, Lilburne was to be whipped from Fleet to Westminster and this punishment was set to take place on April 18<sup>th</sup> 1638.

Lilburne was stripped to the waist and his hands were tied to the back of the cart. It was a very hot day and the sun was beating down. Starting from Fleet Bridge, the horse drawn cart proceeded slowly down Fleet Street, through Temple Bar, into the Strand and on to Charing Cross. Throughout the journey, along the dusty streets, the executioner lashed the prisoner with his three-

thonged knotted whip. Supportive crowds lined the route. On went the cart, dragging the prisoner through King's Gate, down King Street to New Palace Yard.

It is estimated that Lilburne received 500 lashes along the way, making 1500 stripes to his back during the two mile walk. Vivid descriptions from the period, paint a painful picture of this tortured man: his shoulders "swelled almost as big as a penny loafe with the bruises of the knotted Cords"<sup>14</sup> and "for the wales in his back, made by his cruel whipping, were bigger than Tobacco-pipes".<sup>15</sup>

He was in this condition when he reached New Palace Yard and after he refused to admit to any error, his head was clamped in the pillory. Despite having been weakened by his ordeal, he spoke out. An enthusiastic crowd gathered around to listen to him describe the injustice of his arrest and to hear his explanation of why he refused the Oath.

Bishops, declared Lilburne, derived their authority from the Pope, who was the Beast of Revelation, who was the Anti-Christ or the Devil, and he challenged them to deny it.<sup>16</sup>

He was then gagged so hard that he bled. Undeterred, he then pulled pamphlets from his pockets and distributed them amongst the excited crowd. He then stamped his feet in protest until his two-hour stint in the pillory was over.

He was escorted back to Fleet prison followed by enthusiastic crowds. It was not until he reached the prison that his wounds were dressed.

Lilburne spent the next two and a half years in Fleet prison and despite receiving harsh treatment, still managed to write several pamphlets including *A Christian Mans Triall* (a description of his trial at the Star Chamber), *A Worke of the Beast* (a brief account of the trial plus a full description of his punishment), and *Come out of her my people* (an explanation of why puritans should not support the Church of England). When the Long Parliament was summoned in November 1640, the MP for Cambridge, Oliver Cromwell, made an impassioned speech in Lilburne's favour in the House of Commons and Parliament was persuaded to order the prisoner's release pending an enquiry.

Not long after his release, Lilburne was involved in

a public demonstration, where he spoke out against the delay to the sentencing and execution of the Earl of Strafford, the King's key advisor. "Black Tom Tyrant" as Strafford was known was reviled by the people. Lilburne used threatening language to suggest that if no action was taken against Strafford then the King must be forced to go. The angry crowd supported Lilburne's view. Once more Lilburne was arrested.

On May 4<sup>th</sup> 1641, Lilburne came before the House of Lords charged with High Treason. Because the witnesses could not agree, the Lords dismissed the case and Lilburne was free to go.

On the very same day the House of Commons Committee, reviewing Lilburne's original case, decided that the sentence passed had been "illegal ... bloody, wicked, cruel, barbarous and tyrannical"<sup>17</sup> and he was granted reparations.

Eight days later Strafford was beheaded.

### Storm Clouds Gathering

Lilburne appeared to settle down for a while, as he set himself up in business as a brewer in London and then shortly afterwards got married to Elizabeth Dewell, affectionately known as Bess.

By contrast, the country was not settled. Trouble had been brewing for several years. Much of the North, West and South-west of the country supported the King. Parliament's support came largely from the South, South-east and the Midlands. Despite the regional differences, families were often split, pitching father against son, and brother against brother. 43% of the members of the Long Parliament were backing the King, whereas 55% of its members were for Parliament.

During 1641, The Long Parliament had taken a number of actions to settle grievances. These included abolishing the hated courts of High Commission and Star Chamber, the imprisonment of Archbishop William Laud and the passing of the *Triennial Act* (which assured the summoning of parliament every three years) and the *Dissolution Act* (which allowed only the Long Parliament to consent to its own dissolution). But still discontent persisted. Then came the Grand Remonstrance, a long list of grievances against King

Charles I's government of Church and State, and of recommended reforms, and this was passed by the House of Commons on 1<sup>st</sup> December 1641 by 159 votes to 148.

The King rejected the Grand Remonstrance and set out with 400 soldiers to arrest the ringleaders, five MPs led by John Pym, for treason, believing too that these men had in 1640 conspired with the invading Scots. Charles' Catholic wife, fearful of her own impeachment, had set him in motion. "Go you coward!" Henrietta Maria shouted at him, "and pull those rogues out by the ears, or never see my face more."<sup>18</sup> When Charles I entered the House of Commons on January 4<sup>th</sup> 1642, and took the speaker's chair, he realised that the five MPs; Pym, Hampden, Holles, Hazelrigg, and Strode, had fled. When William Lenthall, Speaker of the House, was challenged as to where they were, he replied, "I have only eyes to see and ears to hear as the House may direct."<sup>19</sup> The King then famously said, "I see that the birds are flown".<sup>20</sup>

King Charles took the decision to leave London, taking royalist supporters with him. In Nottingham on August 22<sup>nd</sup> 1642, the King raised his standard: this marked the beginning of the First English Civil War.

John Lilburne, an Anabaptist, naturally supported Parliament's side and enlisted as Captain in Lord Brooke's troop of foot when the war broke out.

### The Battle of Edgehill

On Sunday October 23<sup>rd</sup> 1642, John Lilburne fought with distinction and valour at the battle of Edgehill, the first major military engagement of the First English Civil War. Charles I commanded the Royalist troops. His nephew, Prince Rupert, sometimes known as the Mad Cavalier, led the cavalry. On the opposing side, the Earl of Essex, commanded the Parliamentary troops.

The inconclusive result of this battle led to both sides claiming victory.

### Skirmish at Brentford

The early morning mist had not yet cleared when Prince Rupert's cavalry attacked Brentford on No-

vember 12<sup>th</sup> 1642. Colonel Holles' regiment of Redcoats posted on the outskirts of the town suffered heavy losses. Lilburne, in the absence of Lord Brooke, was the senior officer in charge of soldiers stationed at Brentford to prevent Royalist troops crossing the Thames and marching on London. At first the Parliamentary troops, finding themselves insufficiently armed, took flight until Lilburne rallied his men with a rousing speech. Every soldier to a man, turned back to fight and they held their position for six hours, allowing the train of artillery to escape, an important military achievement. Many of Lilburne's men were killed, shot by Cavaliers, or drowned by the river Thames while trying to escape. About 500 men, including Lilburne, were captured and taken to the King's headquarters in Oxford.

### **Bess gallops to Oxford Castle**

Whilst being held prisoner in Oxford Castle, John Lilburne was charged with treason, along with three other officers. He was due to be tried and executed on Tuesday, 20 December. He managed to smuggle out a letter addressed to the House of Commons, care of his wife Elizabeth, proposing that the House threaten to execute four Royalist officers in retaliation, if the sentence was carried out.

Bess delivered the letter personally to the House of Commons on Friday 16 December. The requested reply was published on the following day and permission was granted for Elizabeth to deliver the document herself. This left two clear days before the trial for the reply to be delivered. It was mid winter and Bess was three months pregnant when she undertook the difficult and dangerous journey on horseback to Oxford. She galloped overnight, as fast as she could and made it just in time; the trial was called off and her husband's life was saved.

It took another five months before a prisoner exchange was arranged and then John returned to London a hero.

### **Problems with Colonel King, the Earl of Manchester and the Covenant**

Lilburne enlisted as a Major in a regiment of foot

in the Eastern Association under Colonel King. Lilburne became convinced that King was fraudulently appropriating public funds for his own use, and so he resigned.

Lilburne was promoted to Lieutenant-Colonel of Dragoons (mounted infantry) on May 16<sup>th</sup> 1644 and appointed to the Earl of Manchester's regiment. He fought with honour and distinction at the Battle of Marston Moor, July 2<sup>nd</sup> 1644, helping to secure a decisive victory for the Parliamentarians. Later that same month, faced with an opportunity to take Tickhill Castle, Yorkshire, which was held by Cavaliers, Lilburne approached Manchester for support. This was denied but Lilburne went ahead anyway and seized the castle without a single shot being fired or a single life lost; gains included 80 horses, 120 muskets and about £1000 pounds worth of supplies. Manchester's response was to verbally abuse Lilburne before a large crowd. Manchester later went on to claim credit for the capture of the castle in the House of Commons.

Colonel King was cashiered from the army for incompetence and Manchester's conduct was attacked for neglect and incompetence in the House of Commons. The Self-denying Ordinance, which deprived MPs from holding military command, forced Manchester's resignation.

Lilburne having had bad experiences with both King and Manchester, and being unwilling to sign the Solemn League and Covenant, left the army on April 30, 1645. The Covenant was an agreement with the Scots to preserve their Presbyterian religion and to remodel the English religion, in order to gain their military support.

Cromwell, with the Commander-in-chief General Fairfax, went on to build the New Model Army, which won a decisive victory at Naseby, six weeks after Lilburne left the army.

### **Letter to Prynne, Presbyterians in Parliament, and Newgate**

William Prynne, the celebrated Puritan martyr, published *Truth Triumphant*, a pamphlet which denounced religious toleration and promoted church discipline. Lilburne responded by writing a *Letter to Prynne*, and when no answer was forth-

coming, published it on one of the illegal presses. His *Copy of a Letter*, as it was called, put the case for freedom of conscience and freedom of the press. These publications demonstrate that cracks were beginning to appear in the Puritan alliance. “Goe you, and tell the Tall Cedar, the little Shrub will have a bout with him”,<sup>21</sup> was Lilburne’s challenging cry to Prynne.

Prynne’s views were supported by the Presbyterians now prominent in Parliament. Lilburne on the other hand, became the leader of a group of Independents, after a number of meetings at the Windmill Tavern, and his views gained support from soldiers and traders alike. He was summoned before the Committee of Examinations for the illegal printing of his *Letter to Prynne*, but the case was dismissed. Lilburne followed up with another publication, *Reasons of Lieu.Col.Lilbourne’s sending his Letter to Mr. Prin.* Once more he found himself before the Committee of Examinations, and once more the illegal printing charge was dismissed.

But this did not prevent his Presbyterian adversaries plotting against him. Dr. Bastwick, Lilburne’s old tutor, was now his enemy. Colonel King, with whom he’d had difficulties, was also his enemy. Denzil Holles, the Presbyterian leader, who had been an ally, whose regiments had fought with Lilburne’s at Edgehill and Brentford, now joined with Bastwick and King to make the charge of uttering slander against the Speaker of the House of Commons. Parliament then committed Lilburne to Newgate prison for these alleged remarks against the Speaker, William Lenthall.

Incarcerated but not incapacitated, Lilburne used his time writing and studying books on Law. *Englands Miserie and Remedie* and *Englands Birth-right justified* were two pamphlets written and printed during his time in Newgate. He was permitted visitors, and these publications may well have been collaborations. The second of these pamphlets called for an end to monopolies in preaching, printing and trade; freedom of speech, freedom of the press and religious toleration were advocated, as well as the abolition of excise and of tithes; the reform of City government was also recommended. This was to be Lilburne’s first of many pamphlets expressing an extensive political programme of reform.

A petition, demanding Lilburne’s release and the

payment of arrears and reparations due to him, was signed by more than 2000 citizens and their efforts were rewarded in October 1645 when he was set free, just two months after “This upstart monstrous Lawyer”,<sup>22</sup> as Prynne called him, was first taken into custody.

His freedom did not last long. In June the following year he was arrested on various charges including the “utterance of scandals against the Earl of Manchester”. When he appeared before the House of Lords, and presented his paper *Protestation, Plea and Defence of Lieutenant-Colonel John Lilburne*, as a defence, it was refused. It was described as “a scandalous and contemptuous paper” and he was sent back to Newgate.

Later that same month Lilburne was brought before the House of Lords once more. When commanded to kneel by the Keeper of the Black Rod, he refused. Back to Newgate he went.

It was also in June 1646, that the surrender of Oxford marked the end of the first English Civil War. King Charles had already surrendered to the Scottish army a month earlier.

It was around this time that a pamphlet entitled *A Pearle in a Dounghill* was published. Although unsigned, this work is believed to have been written by William Walwyn, and its title is a metaphor for John Lilburne in Newgate. It proclaimed:

Thou do’st well O England, to give up this thy first-born LILBURNE, the Son of thy STRENGTH, and high RESOLUTION, for FREEDOME; If thou intendest to become a Bond slave again, to either King, Lords, or any others: for he will never submit either body or mind to any other kind of slavery.<sup>23</sup>

Finally in July 1646, Lilburne was charged with ‘High Crimes and Misdemeanors’ and sentenced to a £2000 fine, imprisonment in the Tower of London and disqualification from office, military or civil, in Church or State.

It was in July too that *A Remonstrance of Many Thousand Citizens* was published. A portrait of John Lilburne, with prison bars superimposed on it, illustrated the front page. Written by Richard Overton with William Walwyn’s collaboration, its full and somewhat lengthy title was:

*A remonstrance of many thousand citizens and other freeborn people of England to their own House of Commons, occasioned through the illegal and barbarous imprisonment of that famous and worthy sufferer for his country's freedoms, Lieutenant-Colonel John Lilburne. Wherein their just demands in behalf of themselves and the whole kingdom concerning their public safety, peace and freedom, is expressed, calling these commissioners in parliament to an account: how they (since the beginning of their season to this present) have discharged their duties to the universality of the people, their sovereign lord, from whom their power and strength is derived, and whom (ad bene placitum) it is continued.*<sup>24</sup>

It called for freedom of conscience and equality before the law. It was critical of the system of government of the City of London and deplored the existence of the Merchant Adventurers Company's trade monopoly. It called for an end to the House of Lords and the dissolution of the House of Commons. In addition to these political demands it also called for the release of John Lilburne. The Remonstrance was in effect a Leveller manifesto, although the term Leveller had not yet been coined.

### In the Tower

In August 1646, not long after Lilburne had been locked up in the Tower, Overton was imprisoned in Newgate. Despite this, they both continued to publish pamphlets. Lilburne's *Liberty vindicated against Slavery* was critical of the prison system and Overton's influential *An Arrow against All Tyrants* which, as Roderick Moore points out, "Puts forward a natural rights argument for the freedom of the individual".<sup>25</sup>

In January 1647 the Parliamentary Commissioners took custody of the King and on the 19<sup>th</sup> of this same month the Commons Journals, v.437 reports:

*In these same days noisy Lilburn has accused Cromwell of meaning or having meant to make his own bargain with the King, and be Earl of Essex and a great*

*man. Noisy John thinks all great men, especially Lords; ought to be brought low. The Commons have him at their bar in this month.*<sup>26</sup>

Early in 1647 *Regall Tyrannie discovered* was published anonymously. It declared that all kings since the Norman Conquest were tyrants. Overton's wife Mary, and her brother Thomas Johnson, were both arrested as a result of the illegal printing of this pamphlet.

The influence of Leveller pamphlets extended well beyond London and by March 1647 many thousands of people were persuaded to sign a mass petition which came to be known as the *Large Petition*. It demanded that all laws be translated into English and attacked imprisonment for debt. It called for freedom to preach and publish opinion in religion and for the abolition of tithes. It proposed the dissolution of the Merchant Adventurer's Company thus ending its monopoly and declared that punishments should fit the crime—which would have brought an end to the death penalty for petty theft—a common occurrence at this time.

When this petition was presented to the House of Commons by Major Tulidah and Nicholas Tue, they were both arrested. The House voted that the petition was seditious and ordered it to be burnt by the common hangman.

Whilst in the Tower, Lilburne was in contact with Royalist prisoners, including Judge David Jenkins and Sir Lewis Dyve. As Pauline Gregg points out:

*By June 1647 Lilburne and the Royalist prisoners were in frequent communications, and Lilburne made no secret of his views that a settlement with the King would be as acceptable as any other so long as it safeguarded the rights and freedoms of all the Lilburnes of the nation.*<sup>27</sup>

### The Army Grievances

It was not just civilians who were calling for change. The foot soldiers, dragoons and officers of the New Model Army had many grievances, foremost of which was pay arrears. The army was largely made up of Independents and sectaries, and so freedom of religion was also an important issue for them—they wanted assurances that they would

not be persecuted by a predominantly Presbyterian Parliament. They wanted indemnity for acts carried out during the war; and relief for widows, orphans and the maimed. These and other issues prompted the circulation of an army petition.

Parliament refused to deal with these grievances and instead proposed the disbandment of the army, with the exception of those troops needed for deployment in Ireland.

There is no doubt that Lilburne, despite being in prison, was an influential figure within the army. His pamphlets, along with other Leveller writings, were widely read amongst the rank and file. He also used trusted visitors to the Tower to exert influence on the army, chief amongst these being Edward Sexby, who acted as an intermediary. Spurred on by Lilburne, regiments began to organise, choosing representatives known as “agitators”.

Cromwell promised the House of Commons that the army would not petition until it had laid down its arms. Lilburne sent a message via his wife, who he described as, “the gravest, wisest, and fittest messenger I could think of, and though a Feminine, yet of a gallant and true masculine spirit”,<sup>28</sup> to Cromwell, urging him, in the cause of the liberties of England, to support petitioning before disbandment. Cromwell’s response was non-committal.

All this came to a head when a rendezvous of the New Model Army was held near Newmarket on 5<sup>th</sup> June 1647. The soldiers agreed upon and accepted a document entitled *The Solemne Engagement of the Armie*, pledging the army not to disband until its demands were met. It was also agreed that a governing body be set up called the Council of the Army and that this should consist of two elected soldiers and two elected officers from each regiment, in addition to the Army Grandees, who had previously made up the Council of War, and this included Oliver Cromwell and his son-in-law Henry Ireton.

Right up until the day before this meeting, the King was being held at Holmby House in Northamptonshire by Parliamentary Commissioners with Presbyterian sympathies. The Army, fearful of a settlement between Presbyterians and the King, had sent Cornet George Joyce, a Leveller officer, with 500 men to take the King into their own custody. This daring operation was a success

and the King was removed to Newmarket.

On June 10<sup>th</sup>, at a general rendezvous of the New Model Army at Triploe Heath near Cambridge, the newly elected Council of the Army operated for the first time when it rejected Parliament’s latest terms. In August the Army, consisting of some 20,000 men stretching a mile and a half long, marched into London. With the army in Westminster, the threat of force allowed Cromwell to purge the House of its most prominent Presbyterians.

There was a growing tension between Cromwell, Ireton and the Army Grandees on one side and the army agitators and civilian levellers on the other, and although Cromwell visited Lilburne in the Tower, he thought it prudent not to apply pressure for Lilburne’s release.

Overton however was released from Newgate unconditionally on September 16<sup>th</sup> 1647.

### The Putney Debates

The *Heads of Proposals*, a document drafted by Ireton, and approved by Cromwell, proposed a compromise position which allowed for a constitutional monarchy; this was offered to King Charles I as the basis of a settlement with the Crown. It was rejected by the King for being too restrictive and by the Army for being too accommodating to the King.

The Army responded by electing new agitators and presenting a political manifesto, *The Case of the Armie Truly Stated*, to Sir Thomas Fairfax, Commander-in-Chief, on October 18<sup>th</sup>, for the Council of the Army to consider. *The Case* was soon superseded by another document entitled the *Agreement of the People*, which addressed both Army and civilian Leveller concerns, and called for a programme of constitutional reform.

Pauline Gregg points out that:

*The assumption underlying the Agreement of the People is that this state would be a republic; but there seems no reason to doubt that the Levellers would have accepted a constitutional monarch who kept within the framework of their*

*constitution.*<sup>29</sup>

The Putney Debates, a series of meetings of the Council of the Army and some significant civilian Levellers, took place at Putney church from October 28<sup>th</sup> until November 11<sup>th</sup> 1647. They were chaired by Oliver Cromwell. Those present included Major General Ireton, representing the Army Grandees, and Colonel Thomas Rainsborough, a leading spokesman for the military Levellers, as well as two prominent civilian Levellers, John Wildman and Maximilian Petty. Edward Sexby, a close associate of John Lilburne's, was also present.

It was at these meetings that Cromwell first used the expression "Levellers" to try to discredit his opponents. It is one of the great disappointments of history that Lilburne was unable to attend these historic debates. When the *Agreement of the People* was being discussed, the question of the extension of manhood suffrage was raised and Rainsborough famously said:

*For really, I think that the poorest he that is in England hath a life to live, as the greatest he; and therefore truly, sir, I think it's clear, that every man that is to live under a government ought first by his own consent to put himself under that government; and I do think that the poorest man in England is not bound in a strict sense to that government that he hath not had a voice to put himself under.*<sup>30</sup>

Ireton disagreed, proposing instead that the franchise be restricted to the owners of freehold property. His fear was that by giving the landless majority the vote they might abolish all property. He reveals:

*All the main thing that I speak for, is because I would have an eye to property. I hope we do not come to contend for victory—but let every man consider with himself that he do not go that way to take away all property. For here is the case of the most fundamental part of the constitution of the kingdom, which if you take away, you take away all by that.*<sup>31</sup>

A compromise position, to exclude servants and

paupers from the franchise, was suggested. As Petty put it:

*I conceive the reason why we would exclude apprentices, or servants, or those that take alms, is because they depend upon the will of other men and should be afraid to displease [them].*<sup>32</sup>

Although Cromwell and Ireton were against it, the following proposition was carried by a majority:

*That all soldiers and others, if they be not servants or beggars, ought to have voices in electing those which shall represent them in Parliament, although they have not forty shillings per annum in freehold land.*<sup>33</sup>

Rainsborough called for a general rendezvous of the Army at Corkbush Fields near Ware, at which he suggested the *Agreement of the People* should be read out and adopted. Cromwell and Fairfax, in a bid to weaken the power of the agitators, arranged instead for three different rendezvous venues, on three different dates, in order to split the army into three groups. The Grandees, with Cromwell's support, came up with a different document known as the *Remonstrance*, which called for a return of Army discipline in return for the resolution of outstanding grievances such as pay arrears.

On the evening of 11<sup>th</sup> November, the last day of the Putney debates, the King escaped from Hampton Court and fled to the Isle of Wight. This event stoked up fear that the King, with the help of the Scots and English Presbyterians, would start a second Civil War.

### Mutiny at Corkbush Field

The first of the three rendezvous was to be held at Corkbush Field near Ware in Hertfordshire, on November 15<sup>th</sup> 1647. Four regiments of horse and three regiments of foot had been called to this meeting of the Army. Pauline Gregg describes the scene:

*Then there appeared marching on the field Colonel Robert Lilburne's and Colonel Harrison's regiments, which had not been summoned to this rendezvous*

and were therefore guilty of mutiny by their very appearance. They had driven away their officers, pelting some of them with stones, the only man above the rank of lieutenant with them being Captain Lieutenant Bray. Each one of them had stuck in his hat a copy of the Agreement of the People, folded so that the words which headed it in bold type, England's Freedom - Soldiers' Rights, were prominently displayed. When commanded to cast away the papers from their hats Harrison's regiment complied, but Lilburne's proved more unruly. Under their bold exteriors, however, there was much doubt and wavering. The presence of the General whom they had been accustomed to follow in three years of Army discipline and, above all, of Lieutenant-General Cromwell, whom they had so many times followed to victory, overawed all but the boldest. They permitted Bray to be arrested for having led them to rendezvous contrary to orders, and when Cromwell himself angrily rode among them, tearing papers from their hats, they seem to have admired his courage rather than resented his action. Several of the more prominent soldiers were seized and tried on the spot for mutiny. Three were sentenced to death, and one, Richard Arnold, shot on the field before the eyes of the assembled regiments. After that there was little trouble, and when Fairfax addressed the men they "received him fairly." Though much had been expected from it and it had caused considerable alarm, the Ware mutiny had failed. John Lilburne himself, taking advantage of his bail, had ridden to Ware to play his part in the proceedings. But he never appeared on the field. There was nothing for him to do but return disconsolately to London.<sup>34</sup>

The execution of Richard Arnold infuriated John Lilburne, who immediately set about writing a tract entitled *A defence for the honest Nounsubstantive Soldiers of the Army against the proceedings of the General Officers to punish them by Martial Law*.

## The Civilian Levellers

Lilburne had been granted bail on November 9<sup>th</sup> 1647, in order to allow him time to prepare the case for his defence but after witnessing the Grandees regain control of the Army; he took the opportunity to set about improving the organisation of civilian Levellers. Regular meetings of the London Levellers were held in the Whalebone inn and the Nag's Head as well as in private houses. A central committee was elected, subscriptions collected and agents appointed. Lilburne acted as the secretary of the whole organisation, corresponding with other towns and regions of the country. Strongholds of the movement existed in Wapping and Southwark in the London area and Dartford, Gravesend and Maidstone in Kent. Pamphlets were distributed and petitions signed. Lilburne arranged for agents to travel throughout the country and hold public meetings to explain to people their liberties and privileges.

At a meeting held on January 17<sup>th</sup> 1648, in Wapping, Lilburne and Wildman spoke in favour of the *Earnest Petition*, which called for (what is now known as) the Separation of Powers. But a spy was present and when this Presbyterian minister for Shoreditch reported his findings to Parliament, Lilburne's bail was withdrawn. Despite each of them presenting a powerful defence to the House of Commons, both Lilburne and Wildman were imprisoned: Lilburne was sent to the Tower and Wildman to the Fleet. Two leading Levellers were now behind bars but by this time the civilian Leveller movement was well organised. By the summer of 1648, the Levellers were printing a weekly newspaper, *The Moderate*, to spread the word.

## The Second English Civil War

On December 26<sup>th</sup> 1647, King Charles, who was still on the Isle of Wight, signed a secret pact with the Scots, known as the *Engagement*, which enlisted their support. When this became public knowledge, it provoked the second English Civil War, which began in the spring of 1648. There were clashes in Kent, Essex and South Wales between English Royalists and a depleted but ultimately victorious New Model Army. The duplicity of the King made the Parliamentary army all the more determined to defeat "that man of blood". Fairfax defeated the Royalists at the siege

of Colchester and ordered the commanders to be shot. In August, Cromwell defeated the invading Scots at Preston and by October was marching into Edinburgh, thus ending this second phase of the Civil War.

Sadly Rainsborough was killed at Doncaster by Royalists in this last month of the war; a tragic loss to the Leveller movement. Thousands of mourners attended his funeral wearing sea-green ribbons, the colour adopted by the Levellers.

Although released from prison before the end of the Second Civil War, Lilburne himself played no part in it.

### Lilburne's Release from the Tower

Lilburne was released from the Tower at the beginning of August 1648. This was in large part due to a Leveller petition of well over 8,000 signatures, collected in a matter of days, and laid before the House of Commons. A sincere speech, made to the House by Sir John Maynard, calling for Lilburne's release and emphasising, "what this brave invincible Spirit hath suffered and done for you",<sup>35</sup> also helped. Lilburne was certainly grateful to Sir John, who had been a fellow prisoner in the Tower earlier that year, describing him as a "true friend and faithful and courageous fellow-sufferer".<sup>36</sup> The House of Commons voted for his release and the next day the House of Lords cancelled their sentence, so that Lilburne was free to go.

### The Large Petition of September 11<sup>th</sup> 1648

Lilburne became politically active soon after his release, becoming involved in the *Large Petition*. This was a collective Leveller work, probably written by William Walwyn with the help of Harry Marten and John Lilburne. This document, containing 27 points of policy, can be seen as a complete statement of the Leveller programme. It was a manifesto that attracted no less than 40,000 signatures and was presented to the House of Commons on the 11<sup>th</sup> September 1648.

### The Debates

Cromwell was looking for political allies and en-

couraged his supporters to engage in dialogue with the Levellers. John Lilburne became involved in a series of debates, starting with a meeting at the Nag's Head in the Strand on 15<sup>th</sup> November, at which Independents, Army Officers and Levellers attended. The military leadership favoured the trial and execution of the King before making any constitutional settlement. Lilburne strongly disagreed, arguing instead that a new Government must be established before any trial of the King took place. It was concluded that a new agreement should be drawn up.

Another meeting followed at the Garter Inn in Windsor, at which Lilburne urged those present to consent to a new *Agreement of the People*, whereas Ireton pressed for the acceptance of the Army's *Remonstrance*, a document drafted by Ireton himself, and seen by the Levellers as a watered down version of the *Agreement*. A decision was taken that each group, i.e. civilian Independents, Levellers, Independent MPs and the Army, should have a committee of four and that these should collaborate to in order to reach agreement.

A large meeting of Levellers was held in London at which Lilburne, Wildman, Walwyn and Petty were the four chosen to represent the Levellers.

The next meeting was with the various delegations in the Council Chamber of Windsor Castle. It was at this meeting that the foundations of an agreement were discussed. Following this meeting the four Levellers and Harry Marten MP locked themselves in a room at the Garter Inn until they had come up with a new draft of *The Agreement of the People*. But further discussions were postponed so that the Army could leave Windsor on November 30<sup>th</sup>, in order to occupy London.

This was followed by the Whitehall Debates which began on 14<sup>th</sup> December. The second *Agreement of the People (or Foundations of Freedom)* was presented to the Council of Officers for consideration. There was much discussion and disagreement about religious toleration. The Army Grandees wanted to restrict toleration so that Jews, atheists, Unitarians and Catholics were excluded. The Levellers, by contrast, were far in advance of their own era, because of their principled demand for a more inclusive toleration. Lilburne angered and disgusted at the betrayal of the officers for going back on what had previously been agreed, (i.e. that any

agreement should be approved by the people and not just by an Army Council), walked out of the meeting. No conclusion was reached at these debates.

Frustrated by the lack of agreement, Lilburne went ahead and published the second version of the *Agreement of the People*.

### Pride's Purge, the Trial and the Regicide

It was late November when Fairfax ordered the King to be forcibly moved from the Isle of Wight to Hurst Castle. Fairfax then marched his troops into London and reoccupied the Capital. But Fairfax was angered when on December 6<sup>th</sup>; Colonel Thomas Pride purged Parliament of its Presbyterian majority, thus ensuring that those who remained supported the trial and execution of the King. Pride conducted the purge himself by placing an armed guard outside the House of Commons and either arresting or barring entry to over 200 MPs. Cromwell, who arrived in London shortly after the purge, declared that he approved of it. Whilst all this was happening Lilburne had been distracted with the various debates with the military leaders.

The Rump Parliament, as the remaining MPs came to be known, set up a High Court of Justice on January 6<sup>th</sup> 1649 and appointed 135 commissioners to serve on it. Its purpose was to try the King for treason. Lilburne disapproved of this, believing that the Rump Parliament had no right to put the King on trial; he argued instead that the Agreement of the People should be adopted first, followed by the election of a new Parliament and only then should the King be given a fair trial like any other Englishman.

Throughout the trial, from January 20<sup>th</sup> when the charge was read out, until January 27<sup>th</sup> when the death sentence was passed, Charles Stuart refused to acknowledge that the court had any lawful authority. Three days after being sentenced, the King was escorted from St James's to the scaffold set up outside the Banqueting House of the Palace of Whitehall. Here was his last opportunity to express his opinion:

*Truly I desire their liberty and freedom as much as anybody whomsoever; but I*

*must tell you their liberty and freedom consists of having of government, those laws by which their life and their goods may be most their own. It is not for having a share in government, sir, that is nothing pertaining to them. A subject and sovereign are clear different things.<sup>37</sup>*

When he was ready he laid his neck on the block. England's monarch was decapitated with a single blow of the executioner's axe. He had behaved with dignity and courage to the end. The executioner held the severed King's head up and said:

*"Behold the head of a traitor!" A loud groan of horror and displeasure was the answer of the people to the announcement. They, at least, had no part in that day's deed. So hostile was their attitude, that orders were given to two troops of horse to patrol up and down the street in order to disperse the angry crowd.<sup>38</sup>*

Lilburne, who was in the North of the country for the duration of the King's trial, felt apathetic resignation at its outcome:

*I was in a kind of deep Muse with myself, what to do with myself; being like an old weather-beaten ship that would fain be in some harbour of peace and rest.<sup>39</sup>*

### England's New Chains

Within days of the King's execution the Rump Parliament voted to abolish the House of Lords and the monarchy; then set up a Council of State to govern the country. Cromwell was one of its 41 members and its first chairman.

Despite these dramatic changes, discontent within the Army persisted. Pay arrears was still an issue, as was the reluctance to execute civil ordinances, such as the confiscating of unlicensed books. There was popular support amongst the soldiers for the reinstatement of the Council of the Army with its elected agitators. The Grandees, unsettled by these developments, attempted to suppress this resurgence of protest amongst the rank and file, by banning petitions to Parliament by soldiers. When a group of Leveller troopers, with a petition addressed to Fairfax, demanded that this decision be

revoked, five of them were cashiered.

Lilburne disapproved of the formidable arbitrary powers of the newly nominated Council of State, as well as the heavy handed approach of the Army Grandees. His response was to write *England's New Chains Discovered*, and he accompanied its presentation to the House of Commons, on 26<sup>th</sup> February 1649, with a short speech. Another dissenting pamphlet, entitled *The Hunting of the Foxes*, was published a few weeks later. It was critical of Cromwell, describing him as the 'new King'.

On Sunday March 24<sup>th</sup>, Lilburne read his latest pamphlet, *England's New Chains Discovered Part II*, out loud to a crowd outside Winchester House, where he was living at the time, and then presented it to the House of Commons later that same day. It was condemned as "false, scandalous, and reproachful" as well as "highly seditious" by the House and on March 28<sup>th</sup>, in the early hours of the morning, over one hundred horse and foot soldiers arrived at Lilburne's rooms to take him prisoner.

Fellow Levellers, Thomas Prince, William Walwyn and Richard Overton were also arrested on the same morning and all were brought before the Council of State in the afternoon. Lilburne was asked if he was the author of *England's New Chains Discovered Part II*, and he refused to answer, protesting that this was a revival of the Star Chamber practice of questioning upon interrogatories.

Later, when Lilburne was being held prisoner in an adjacent room whilst his case was being discussed, he overheard Cromwell, "thumping his fist upon the Council table until it rang out and saying 'I tel you Sir, you have no other Way to deale with these men, but to break them in pieces ... if you do not break them, they will break you!'"<sup>40</sup>

Lilburne and his three Leveller friends were committed to the Tower.

### The Bonnie Besses in the Sea-green Dresses

A number of petitions were raised calling for the release of John Lilburne and the other Leveller leaders. One in particular is worthy of note because it was the first all-women petition, and it was supported by over 10,000 signatures. Amongst the women were Mrs Katherine Chidley, their recog-

nised leader, and Elizabeth Lilburne, John's wife, who was respected in her own right for her courageous personality and her wilful spirit. When a thousand of these women carried the petition to Parliament wearing sea-green ribbons on their breasts, the press dubbed them "the bonnie Besses in the sea-green dresses".

Dianne Purkiss describes the House of Commons' reaction:

*But on 25 April Parliament refused the women's petition. MPs reacted intolerantly, telling the women that 'it was not for women to petition; they might stay home and wash their dishes'. The Journal of the House reported that they had not been answered directly, but had been told through the Serjeant that 'the matter you petition about, is of a higher concernment than you understand, that the House gave an answer to your Husbands, and therefore that you are desired to go home, and look after your own business, and meddle with your housewifery'. The women went home only when dispersed by troops.*<sup>41</sup>

Within a month they were back with another petition, once again demanding the release of "honest John o' the Tower".

### The Post Regicide Mutinies

Soldiers were reluctant to serve in the planned expedition to Ireland without the settlement of pay arrears and this led to a mutiny in London in April 1649 when 60 troopers from Colonel Whaley's regiment barricaded themselves in the Bull Inn in Bishopsgate Street and refused to respond to orders. Discipline was restored when Cromwell and Fairfax arrived. A court martial followed, sentencing six troopers to death. Five were shown mercy and pardoned but the ringleader Robert Lockyer, a 23-year-old with seven years war service behind him, was to be executed as an example to others. Despite a letter from Lilburne and Overton demanding a reprieve, Robert Lockyer, a brave and defiant young Leveller, was shot by firing squad in the churchyard of St Paul's Cathedral.

Lockyer was given a funeral fit for a General.

Trumpeters heralded the slow-pacing funeral procession, which was led by a large contingent of soldiers. Following the coffin were thousands of citizens wearing sea green ribbons, including a large number of women. Robert Lockyer had become a martyr to the Leveller cause.

Other Leveller-inspired mutinies followed. In May, Colonel Scrope's men mutinied at Salisbury and as they were making their way towards Banbury they were joined by mutineers from other regiments until their number rose to some 1200. Cromwell and Fairfax moved against them cutting them off at Burford in the Cotswolds at midnight. 340 mutineers were herded into Burford Church and held prisoner whilst the rest escaped in the darkness. Cromwell kept the men imprisoned in the church for a few days before selecting four men to be executed. Cornet Thompson, and Corporals Church and Perkins were all shot. The fourth man Cornet Denne was given a last minute reprieve. Cromwell had once again successfully and ruthlessly crushed a Leveller mutiny.

### ***The Final Agreement of the People***

The third and final version of the *Agreement of the People* was published from the Tower on 1<sup>st</sup> May 1649 and the four prisoners, John Lilburne, William Walwyn, Thomas Prince, and Richard Overton all signed it. This was the last joint statement of the Levellers' political programme, as outlined by their leaders, to be printed, and one of the few Leveller documents to be issued legally. Sadly, for the Levellers and history, this blueprint for a democratic state was never implemented.

### ***The Remonstrance of many Thousands of Free People of England***

Another Leveller mutiny in Oxford in September 1649 was also crushed, ending with a court martial and the execution of two soldiers by firing squad. Fuelled by a sense of injustice at these and earlier executions, almost a hundred thousand people signed a manifesto entitled, *The Remonstrance of many Thousands of the Free People of England*. It was published on 21<sup>st</sup> September and declared (amongst other things) that those who murdered their friends at Ware, London, Burford and Oxford should be brought to justice.

### **Lilburne on Trial for High Treason**

On the 24<sup>th</sup> October, Lieut. Colonel John Lilburne was charged under the Treason Acts of May 14<sup>th</sup> and July 17<sup>th</sup> 1649, Acts passed no doubt with the express purpose of charging Lilburne with High Treason. The trial began early on the morning of 25<sup>th</sup> October, after the members of the Extraordinary Commission of Oyer and Terminer, consisting of 40 dignitaries led by the Lord Mayor, took their places in the Guildhall in London to preside over the case. The courtroom was packed with Lilburne's friends and supporters.

Lilburne contested point after point and when the prosecution read out extracts from Lilburne's pamphlets, the public often applauded. After the indictment was read out, Lilburne requested more time to prepare his defence and gather witnesses. He was granted an afternoon's respite only.

The court reconvened at 7.00am the following morning. After a long day of listening to Lilburne being subjected to intense questioning, the jury finally retired at 5.00pm. Within an hour they reached their verdict—not guilty of all charges.

Cheers rang out in the court room and celebrations continued all evening. Church bells tolled throughout London, bonfires were lit and feasting was enjoyed by John's many supporters. A special medal was struck to commemorate the occasion, with John's portrait on one side and the names of the members of the jury on the other.

John Lilburne was returned to the Tower, his release being delayed until 8<sup>th</sup> November, when his fellow prisoners Walwyn, Overton and Prince were also discharged. The Levellers held a great feast at the King's Head Tavern in Fish Street to celebrate the occasion.

### **Banishment and Exile**

After his release, Lilburne settled down for a while, taking up the trade of soap boiling. His relationship with Cromwell improved when the Lord General spoke to the Council of State in Lilburne's favour, with respect to the compensation due to him for his suffering at the hands of the Star Chamber—not yet received after all this time.

In 1651, John became involved in a legal dispute over property between the Lilburnes of County Durham and Sir Arthur Haselrig MP. The City Committee at Haberdasher's Hall voted in favour of Haselrig and so John published a pamphlet, followed by a petition to Parliament, contesting the outcome and accusing Haselrig of unfairly influencing the Committee. The Rump Parliament responded by fining him £7000 and banishing him from the country on pain of death, an extremely harsh punishment considering the offence.

John Lilburne departed from England at Dover on 31<sup>st</sup> January 1652, leaving his wife and children behind. He arrived in Amsterdam on 8<sup>th</sup> February and when war broke out between Holland and England, in June of that year, he moved to Bruges. In exile he took the opportunity of reading numerous books including Machiavelli's *The Prince*, Raleigh's *History of the World*, Plutarch *Lives* and Milton's *Defence of the People of England*. His wife did visit him, but their separation put strain on the relationship.

When Cromwell dissolved the Rump Parliament in April 1653, Lilburne decided he would risk coming home. He arrived in England in June, and was promptly arrested and sent to Newgate. Numerous petitions were raised demanding his release.

### Long Live John Lilburne: On Trial Again

John Lilburne appeared before the Old Bailey on 13<sup>th</sup> July, 1653, once again on trial for his life. Both inside and outside the courtroom was crowded with Lilburne's supporters. The Army was standing by to deal with any trouble.

Lilburne was asked to plead guilty or not guilty of returning to England. He responded by challenging the sufficiency and legality of the indictment and demanded a copy of the indictment and Counsel to advise. This dispute continued for days until he finally got his way.

Lilburne's main argument was that he had been convicted by the Rump Parliament and Cromwell had dissolved the Rump for injustice and maladministration. If Cromwell was right then the charges against him should be dismissed and if Cromwell was wrong then the Lord General himself should be charged for the unlawful dissolution

of Parliament.

Another argument Lilburne used was that the Law must conform to reason. He referred to Coke's *Institutes*, the legal reference book of the time, and quoted this passage:

*All customs and prescriptions (Acts of Parliament, laws and judgments) that be against reason are void and null in themselves.*<sup>42</sup>

Lilburne made a passionate speech in his own defence to the jury, which lasted two hours. The members of the jury then retired to consider their verdict; they deliberated for several hours before returning to find him "not guilty of any crime worthy of death". "Long Live John Lilburne" was the popular cry. The cheering crowds could be heard a mile away. Soldiers showed their support by sounding their trumpets and beating their drums, but despite Lilburne's triumph, he was not released but returned instead to Newgate. The jury had saved his life but not secured his freedom.

Both before and whilst in exile, Lilburne had been in contact with Royalists and there was speculation that Lilburne was offering Leveller support to install King Charles II as a monarch, in exchange for the introduction of a constitution based on the *Agreement of the People*. Cromwell wanted to keep Lilburne behind bars for the security of the nation.

### Mount Orgueil Castle in Jersey

Lilburne was transferred from Newgate to the Tower and then in March 1654 was moved to Mount Orgueil Castle on the eastern side of the island of Jersey. Here Lilburne was kept in close confinement on this gloomy castle on the rocky coast of Gorey Bay. Here *habeas corpus* would be disregarded by the Governor.

When offered an opportunity to walk outside with a keeper in toe, Lilburne refused saying he would not go accompanied with, "a dogg at his heeles".<sup>43</sup>

John's father Richard and his wife Elizabeth petitioned for his release and Cromwell responded by allowing Lilburne to be returned to the English mainland. In October John was transferred via a vessel named the *Cornelian*. On board he con-

versed with William Harding, the Mayor of Weymouth, who had been on a visit to Jersey. When they stopped off at Weymouth further conversations ensued in which the subject of Quakerism was discussed. The *Cornelian* then proceeded to Dover where Lilburne was confined in the castle.

### Dover Castle

The setting of Dover Castle, close to white cliffs and grassy downs, made it an altogether more pleasant place than the Orgueil fortress. Lilburne took to reading Quaker literature and in 1655 converted to Quakerism. In the spring of 1656 his wife and children moved to Dover to be closer to him. He was allowed to visit them and attend Quaker meetings, sometimes staying overnight before returning to the castle. In May *The Resurrection of John Lilburne now a Prisoner in Dover Castle* was published and in it he announced he had become a Quaker. This was to be his last pamphlet.

### The Death of John Lilburne

When Elizabeth Lilburne was expecting her tenth child she moved her family to a cottage in Eltham, where John was allowed out on parole to visit her. He was suffering from “gaol fever” at the time, a disease spread by rats in prison. On the day he was due back in Dover Castle, John Lilburne died. The date was 29<sup>th</sup> August 1657. He was only 42-years-old. Of his ten children, six died young and the other four did not go on to have children of their own. After John’s death, his loyal wife Elizabeth talked of her life with John as “seventeen years of sorrows”.

He was buried in the churchyard in Bethlehem near Bishopsgate. About 400 people attended his Quaker funeral. The Leveller movement, already fading away, died soon after he did. Cromwell was to die a year later and the Commonwealth eventually crumbled.

Many Levellers followed Lilburne’s example and became Quakers and many of those left England for the New World.

The Leveller movement came to an end but a lot Lilburne’s writings, along with many other Level-

ler pamphlets, have survived and Free-born John’s real legacy is that these documents continue to inspire people today.

### The Libertarian

Lilburne, in his own day, was described as a Leveler, a term he did not like. He usually preceded it with words like “falsely so called” or “commonly (though unjustly) styled” to make his point.

As Pauline Gregg points out:

*Lilburne always coupled liberty and property. Freedom to live unrestricted entailed freedom to possess: no passionate defender of the rights of individual could argue otherwise. It was “liberty and propriety,” not “communitie and levelling,” for which the Levellers stood.*<sup>44</sup>

And H.N. Brailsford noted:

*John Lilburne was an aggressive individualist who felt no sympathy whatever for any school of egalitarian or communitistic thought.*<sup>45</sup>

This point is made clear in the *Large Petition* of September 11<sup>th</sup> 1648:

*18. That you would have bound your selves and all future Parliaments from abolishing propriety, levelling men’s Estates, or making all things common.*<sup>46</sup>

John Lilburne believed in Liberty. Lilburne’s life story is a testament to the fact that he not only believed in freedom but acted upon that belief. “The bigness of the man was that his whole life, from first to last, was an unyielding battle for his ideal of liberty”.<sup>47</sup>

In the nineteenth century John Lilburne would have been accurately described as a Liberal.

At this time the word “Liberal” indicated someone who believed in the liberty of the individual. Liberalism favoured “laissez-faire” economics and the protection of civil liberties.

During the twentieth century the meaning of the

word “Liberal” became distorted so that it came to describe the follower of a politically correct and collectivist doctrine in favour of positive as well as negative freedom, prevalent at this time and indeed currently. Negative freedom is simply the freedom to be left alone and not coerced or harmed in any way and is only limited by respecting the liberties of others. Positive freedom constitutes a claim to be supplied with certain things and requires a more interventionist role for the state, so that these things can be provided by means of government regulation. That is why a new word was needed to describe someone who believed in liberty of the traditional kind. “Libertarian” was the new word coined to describe Liberal in its original meaning, i.e. that of a classical liberal.

Libertarians believe in life, liberty and property and I believe there is adequate evidence in his life story to show that John Lilburne believed in this philosophy too.

Take for example this statement from the final version of the *Agreement of the People*:

*2. To the preservation of those safe guards, and securities of our lives, limbes, liberties, properties, and estates...<sup>48</sup>*

It is for this reason that I think “Libertarian” is a fair description of John Lilburne, as he was a Liberal in the traditional sense of that word. I am not alone in that view. When describing the Levellers, Roderick Moore points out:

*They were far ahead of their time in their political thinking and they may justly be called the first libertarians in the world.<sup>49</sup>*

David Hoile has argued persuasively, in his excellent work on the subject, that the Levellers (including John Lilburne in particular) are the political antecedents of modern day Libertarians. He also gives credit for the Levellers’ historical influence, in which John Lilburne must undoubtedly share.

Hoile suggests:

*A clear legacy in terms of Leveller thought can be seen in much of the intellectual motivation both behind and throughout the American Revolution,*

*well over one hundred years later.<sup>50</sup>*

In my view, John Lilburne is a name that deserves to live on the in the future, not only to be remembered as a champion of liberty but also as one of the very first Libertarians<sup>51</sup> of England and indeed the world.

## Notes

(1) *Free-Born John* is the title of Pauline Gregg’s biography of John Lilburne and in chapter 4 she describes how he acquired his sobriquet.

*The news that John Lilburne had stood on his rights as a “free-born Englishman” to refuse the Star Chamber oath spread like wildfire through the City, and “Free-born John” as he was promptly named, immediately secured that high place in the citizens’ affections which, in all the many crises of his life, brought them flocking to his assistance.*

Pauline Gregg, *Free-born John*, Phoenix Press, London, 2000, p. 63.

(2) This phrase is used by Lilburne in a pamphlet published in 1646 entitled *Liberty Vindicated against Slavery*, cited in Nicholas Reed, *John Lilburne: Campaigner for Democracy*, Lilburne Press, Folkestone, 2004, p. 9.

(3) Pauline Gregg, *op.cit.*, p. 359.

(4) A.L. Morton (editor), *Freedom in Arms: A Selection of Leveller Writings*, Lawrence and Wishart, London, 1975, p. 23.

(5) Nicholas Reed, *John Lilburne: Campaigner for Democracy*, Lilburne Press, Folkestone, 2004, p. 44.

(6) [http://en.wikipedia.org/wiki/John\\_Lilburne](http://en.wikipedia.org/wiki/John_Lilburne), retrieved 29<sup>th</sup> December 2007. It is interesting to note that Jimmy Wales, co-founder of Wikipedia, has described himself (albeit reluctantly) as a Libertarian and more assertively as an “Objectivist to the core”. He even named his daughter Kira, after the heroine in Ayn Rand’s *We the Living*.

(7) [http://en.wikipedia.org/wiki/John\\_Lilburne](http://en.wikipedia.org/wiki/John_Lilburne), retrieved 29<sup>th</sup> December 2007.

(8) The Field of the Cloth of Gold refers to a meeting between Henry VIII of England and Francis I of France in 1520. So called because England and France spared no expense trying to display their wealth to each other. It included jousts, banquets, and balls, as well as lavish outfits and decorations in pearls, jewels and cloth of gold. It nearly ruined both treasuries and was useless politically.

[Www.luminarium.org/encyclopedia/wfog.htm](http://www.luminarium.org/encyclopedia/wfog.htm),  
retrieved 29<sup>th</sup> December 2007.

- (9) Pauline Gregg, *op.cit.*, 2000, p. 50.  
 (10) *Ibid.*, p. 50.  
 (11) *Ibid.*, p. 51.  
 (12) *Ibid.*, p. 62.  
 (13) H.N. Brailsford, *The Levellers and the English Revolution*, Spokesman, Nottingham, 1983, p. 82.  
 (14) Pauline Gregg, *op.cit.*, p. 65.  
 (15) *Ibid.*, p. 66.  
 (16) *Ibid.*, p. 66.  
 (17) H.N. Brailsford, *op.cit.*, p. 85.  
 (18) David Starkey, *Monarchy: From the Middle Ages to Modernity*, Harper Press, London, 2006, pp. 113-114.  
 (19) Winston S. Churchill, *A History of the English Speaking Peoples*, Cassell and Company Ltd, London, 1956, Vol. II, p. 183.  
 (20) *Ibid.*, p. 183.  
 (21) Pauline Gregg, *op.cit.*, p. 115.  
 (22) *Ibid.*, p. 124. Prynne was a lawyer by profession and must have resented Lilburne, who in matters of law was largely self-taught.  
 (23) A.L. Morton, *op.cit.*, p. 271.  
 (24) [Www.constitution.org/lev/eng\\_lev\\_04.htm](http://www.constitution.org/lev/eng_lev_04.htm),  
retrieved 29<sup>th</sup> December 2007.  
 (25) Roderick Moore, *The Levellers: A Chronology and Bibliography*, Study Guide No.4, Libertarian Alliance, London, p. 3.  
 (26) Thomas Carlyle, *Oliver Cromwell's Letters and Speeches with elucidations*, George Routledge and Sons Ltd, London, first published 1845, Vol I, p. 179.  
 (27) Pauline Gregg, *op.cit.*, p. 198.  
 (28) *Ibid.*, p. 165.  
 (29) *Ibid.*, p. 220.  
 (30) A.S.P. Woodhouse (editor), *Puritanism and Liberty*, J. M. Dent and Sons Ltd, London, 1938, p. 53.  
 (31) *Ibid.*, p. 57.  
 (32) *Ibid.*, p. 83.  
 (33) H.N. Brailsford, *op.cit.*, p. 288.  
 (34) Pauline Gregg, *op.cit.*, p. 223.  
 (35) *Ibid.*, p. 245.  
 (36) *Ibid.*, p. 245.  
 (37) Austin Woolrych, *Britain in Revolution: 1625-1660*, Oxford University Press, Oxford, 2002, p. 433.  
 (38) Samuel R. Gardiner, *The History of the Great Civil War: 1642-1649*, Longmans, Green and Co., London, 1891, Vol III, p. 598.  
 (39) Antonia Fraser, *Cromwell: Our Chief of Men*, Phoenix, London, 2002, p. 380.  
 (40) Pauline Gregg, *op.cit.*, p. 270.  
 (41) Dianne Purkiss, *The English Civil War: A People's History*, Harper Perennial, London, 2007, p. 508.  
 (42) H.N. Brailsford, *op.cit.*, p. 618.  
 (43) Pauline Gregg, *op.cit.*, p. 337.  
 (44) *Ibid.*, p. 242.  
 (45) H.N. Brailsford, *op.cit.*, pp. 524-525.  
 (46) A.L. Morton, *op.cit.*, p. 191.  
 (47) H.N. Brailsford, *op.cit.*, p. 75.  
 (48) A. L. Morton, *op.cit.*, p. 271.  
 (49) Roderick Moore, *op.cit.*, p. 1.  
 (50) David Hoile, *The Levellers: Libertarian Radicalism and the English Civil War*, Libertarian Alliance, London, 1992, Libertarian Heritage No. 5, p. 6.  
 (51) It should be noted that the modern term "libertarian" is a broader one than that of "classical liberal" because it includes anarcho-capitalists (a concept not known in the 19<sup>th</sup> century) as well as minarchists.



For Life, Liberty, and Property