

CONFESSIONAL POLITICS IN PRE-CIVIL WAR ESSEX: PRAYER BOOKS, PROFANATIONS, AND PETITIONS*

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ABSTRACT. *This article contributes to the debate over the value of petitions for the recovery of ‘public opinion’ in early modern England. It argues for a greater attentiveness to the politics and processes in their production. An analysis of a hitherto unknown draft Essex ‘prayer book’ petition explores the construction of contrasting royalist and parliamentary confessional politics. A reading of the content of the petitions offers evidence of the popular response to the Laudian ceremonialism; a reconstruction of the politics of its production provides evidence of the attempt to construct a political alliance in support of the crown around defence of the prayer book; a reconstruction of the occasion for the petition – the capture of the Essex grand jury by the godly and well affected – suggests a very different, and ultimately more successful, confessional parliamentary politics. In identifying the critical role played by the middling sort – translating their role in the politics of the parish to the politics of the state – the article argues that a marriage of the research strategy of the social historian with the agenda of a ‘new political history’ will help to establish the enlarged social depth to the public sphere in early modern England.*

I

Collective petitioning was an important consequence of the political breakdown between king and parliament. The level of petitioning in the early 1640s was unprecedented, both in terms of the number of petitions and the numbers putting their hands to them. That petitions claimed the subscription of thousands and, where originals with signatures survive, can be shown on occasion to have done so, meant that groups beyond the normal boundaries of formal political participation were pulled into the political process. Between the summoning of parliament and the outbreak of civil war, petitions flowed in from counties, cities, and villages and from groups bound by ties of gender, profession, confession, and craft. Petitioning reflected and reinforced the intense politicization that accompanied the collapse of Charles I’s rule. In the provinces, petitions were published from the pulpit and at the public meetings of quarter sessions and assizes. Circulated for signature, they became the focus for political debate in local society. Their presentation in the capital, often

* I am grateful to Mike Braddick, Anthony Milton, John Morrill, Christopher Thompson, Keith Wrightson, and the two anonymous readers for their helpful comments on an earlier draft of this article.

attended by large numbers of petitioners, was noted in newsbooks and newsletters. Where they were subsequently printed, publication ensured that knowledge of their contents was circulated to a yet wider audience.

Despite its importance, we still know too little about the *process* of petitioning. Petitions tended to come in waves, reflecting the synchronization provided either by the summoning of parliament or particular moments of political crisis (for example the king's attempt to arrest the Five Members) or by the response to deliberate political signals (for example, the Root and Branch bill or the king's use of the charge delivered by assize judges in the summer of 1642 to promote 'loyalist' petitions). Formulaic texts – what David Underdown has christened 'parrot petitions'¹ – and synchronicity in the timing of their presentation have led some historians to question how far petitions can be used as evidence of wider provincial or popular political opinion.² The most thorough discussion to date of the evidence of petitioning in the early 1640s is that provided by Anthony Fletcher. While Fletcher acknowledges that some petitions can be shown to have been drawn up in the capital rather than the county and that provincial petitioners were often responding to cues from the centre, he argues that petitions could represent wider opinion. More recently, Judith Maltby, in a well-received study, has examined petitioning in defence of the book of common prayer. She has no doubt of their value as evidence of public opinion. Petitions in defence of the church's liturgy can be read, she argues, as evidence for the presence of a group of committed conformists, whose existence has been otherwise marginalized in a religious historiography organized around the polarities of puritanism and Laudianism/Arminianism. As she writes, 'we hear in these petitions ... the voices of the 'consumers' of the spirituality offered by conformity to the Book of Common Prayer'.³

This article seeks to contribute both to the debate about the value of petitions as evidence of wider support for political and religious positions and to our knowledge of the process of petitioning, to which less attention has been paid, by drawing on the evidence provided by a previously unknown petition in defence of the prayer book from Essex. The petition survives only in the form of two drafts in the papers of the Essex gentleman, Henry Nevill, now to be found in the Leicestershire Record Office.⁴ The first draft is apparently dated

¹ D. Underdown, *Revel, riot and rebellion: popular politics and culture in England 1603–1660* (Oxford, 1985), p. 138. (It should be pointed out that Underdown himself does not believe that plagiarism in petitioning necessarily disqualifies the petition as evidence of political opinion.)

² D. Zaret, 'Petitions and the 'invention' of public opinion in the English revolution', *American Journal of Sociology*, 101 (1996), pp. 1497–555, provides a starting point (with a convenient summary of the positions taken on the representativeness of petitions at pp. 1505–6). I am grateful to Steve Hindle for bringing this article to my attention. See also now D. Zaret, *Origins of democratic culture: printing, petitions, and the public sphere in early-modern England* (Princeton, 2000).

³ A. Fletcher, *The outbreak of the English Civil War* (London, 1981); J. Maltby, *Prayer book and people in Elizabethan and early Stuart England* (Cambridge, 1998), p. 88.

⁴ Leicestershire Record Office (LRO) DE 221/13/2/26 and 21 (first and second drafts respectively). The latter has been printed in Maltby, 'Petitions for episcopacy and the book of common prayer on the eve of the Civil War, 1641–1642', in S. Taylor, ed., *From Cranmer to*

from November 1641; the second is undated. The particular (perhaps unique) nature of the Essex petition, surviving in successive drafts, provides a rich source for both religious and political developments in the immediate period of rapid change following the collapse of Charles I's personal rule. The *content* of the petition offers important evidence of the nature of the popular puritan response in Essex to the Laudian counter-reformation and its demise. The *composition* of the petition, and shifts in its shaping, provide a clue to the confessional politics that lay behind its production. Nominally about the need to defend the prayer book, the petition was the work of a group whose attempt to channel reactions to these 'disorders' was part of a wider campaign to recruit a royalist following in what both contemporaries and later historiography have seen, not altogether correctly, as a puritan and parliamentary heartland.⁵ Finally, the *occasion* for the petition – the capture of the grand jury at quarter sessions by the godly and their refusal to support the efforts of a group of JPs to prosecute attacks on the prayer book – hints at the important role that could be played by members of the middling sort in the politics of early modern England. Political mobilizations in mid-seventeenth-century England were perhaps too complex to be captured by the description 'wars of religion'. But the evidence of the Essex petitions does allow us to see the central role religion played for both royalists and parliamentarians in articulating a confessional politics intended to appeal to a majority, happy to see the fall of Laudianism but uncertain about its replacement.

II

'Insolences and extravagances' were at the core of many of the petitions drawn up in support of the book of common prayer in late 1641 and early 1642.⁶ The Essex petitioners too made disorders in church central to their petition but, unlike other petitioners, they sought to make their case in defence of the prayer book by particularizing the examples of attacks upon it. At the foot of the final page of the first draft are a series of notes of the disorders that had occurred within churches in the county:

1 the administration of the sacraments in an extemporie waie [two words obliterated and illegible] as extemporie praier: tarling, stisted, [h[alst]ed: crossed out]

Davidson: a Church of England miscellany (Church of England Record Society, 7, Woodbridge, 1999), pp. 156–7. Since there are minor differences in transcription, quotations hereafter will be from the LRO originals.

⁵ On the potential for a royalist movement in Essex, see J. Walter, *Understanding popular violence in the English Revolution: the Colchester plunderers* (Cambridge, 1999), pp. 115–16, 126–38.

⁶ Maltby, *Prayer book*, pp. 119–23; idem, 'Approaches to the study of religious conformity in late Elizabethan and early Stuart England: with special reference to Cheshire and the diocese of Lincoln' (PhD thesis, Cambridge, 1991), pp. 128, 131, 164; idem, 'Petitions for episcopacy', pp. 103–67.

- 2 some refusinge to have theire Children Christened if they may not prescribe the waie: raine, burrowes his Childe
- 3 some preacheing the booke of Com[m]on praier an Idoll: Mr stallam of tarling & tuke of bockinge
- 4 some burneing the booke saieing itt is a popishe booke: harvee
- 5 some bringe a horse into the Church when the minister was a preacheinge: att hasted Mr eddridge minister
- 6 some breakeing downe of windowes as well white glasse as painted to the greate damage of the Cuntrie
- 7 sedicious sectaries never Comeing att Church ...⁷

The first four abuses were all concerned with the struggle over the use of the prayer book. That complaining of the administration of the sacraments ‘in an extemporie waie’ and of ‘extemporie praier’ (i.e. not following the prayer book) cited the parishes of Terling and Stisted. Terling was a centre of godly piety, where the deprivation in 1632 of the minister, Thomas Weld, by Laud, then bishop of London, had done little to stem either conventicling or opposition to the new ceremonialism. His replacement John Stalham, urged on by some of his parishioners, had proved equally resistant to episcopal discipline; in particular, he had been in trouble with the church courts for his attempts to subvert the requirement to receive the sacrament at the rails after a long conflict had ended with the parish forced to rail in the communion table.⁸ Stisted was another centre of contention. The diarist and minister at Earls Colne, Ralph Josselin, declined its living in the 1640s, finding it full of ‘sad divisions’. In the 1630s the needs of the godly had been (unofficially) served by one Attwood, a man described by the bishop’s commissary as ‘famous for conventicles and unconformity’. Later in the decade, a suspended minister, Edward Sparhawke, fulfilled a similar role. The notes of a sermon he is said to have given, in which he attacked the ‘new Idolatrous mixtures of Religion and ye treading downe of Gods people’, indicate that he was a fierce opponent of the ceremonialism of the 1630s.⁹

The second head, alleging abuses around the issue of baptism, cited the example of Rayne. Rayne was a village close to the clothing centre of Braintree, and the man named was Samuel Burrows. Burrows came from a noted family of Colchester puritans, and his persistent opposition at Colchester to the railing in of the altar had led to excommunication, appearance before High Commission, and his celebration in print by the noted puritan controversialist,

⁷ LRO DE 221/13/2/26: that the seventh head appearing on the last surviving page of the draft breaks off before complete raises the possibility that there may have been further heads.

⁸ K. Wrightson and D. Levine, *Poverty and piety in an English village: Terling, 1525–1700* (Oxford, 1995 edn), pp. 159–63; H. Smith, *The ecclesiastical history of Essex under the Long Parliament and commonwealth* (Colchester, n.d.), p. 394; J. Stalham, *Vindiciae redemptionis: in the fanning and sifting of Samuel Oates* (1647).

⁹ Smith, *Ecclesiastical history*, pp. 39, 56, 393; A. Macfarlane, ed., *The diary of Ralph Josselin 1616–1683* (London, 1976), pp. 23–4; PRO SP 16/218/43; /350/54; *The works of the most reverend father in God, William Laud, D.D.*, ed. W. Scott and J. Bliss, vol. v (Oxford, 1853), p. 33; A. G. Matthews, *Calamy revised* (Oxford, 1934), p. 453.

William Prynne. Edward Symmons, the minister at Rayne against whom Burrows later laid charges before the Committee for Scandalous Ministers, left an account of his persecution at the hands of Burrows. ‘Observing people on their owne heads, rending Common prayer bookes, and altering things established by Law’, Symmons had preached against them, bringing on himself the accusation that he was, ‘a *Papist*, one that loved the *Masse booke* better than I did God’. His opponents had mischievously brought him before a JP for omitting the cross and not wearing the surplice, while simultaneously attacking him, ‘for using the Common prayer booke, which soone after they rent in pieces’.¹⁰

The third head, complaining of those who preached against the book of common prayer, cited ‘Mr Stallam of tarling & tuke of bockinge’. Terling had already been cited in the petition as a parish where extempore prayers were used; on the collapse of personal rule Stalham celebrated publicly the success of his parishioners in the casting out of the ‘Service-book as a menstruous cloth’.¹¹ The other man named, Lemuel Tuke, acted as lecturer at Rayne. Edward Symmons complained that Tuke – ‘a Man by education a Weaver’ – had abandoned a living in Nottinghamshire after he had been accused of various sins by his parishioners and had taken up as a lecturer at Rayne in opposition to him. In early January 1642, Tuke was indicted at the Essex quarter sessions for preaching against the book of common prayer.¹²

Heads 5 and 6 dealt with examples of actual disorder in churches. The first referred to an episode at Halstead in which a horse was brought into church while the minister was preaching. The introduction of an animal into the church echoes other incidents where animals were used to mock aspects of the church’s liturgy.¹³ Despite the absence of supporting evidence for the incident of the horse, there is evidence of a wide range of disorder at Halstead. The failure of the godly to secure a minister to their liking – the living was in the gift of the bishop of London – had led to a running battle between the minister and godly parishioners. John Etteridge was a pluralist, holding Halstead with another living. He had been an informant against nonconformable ministers in the 1637 Visitation, witnessing, it should be noted, against several for their failure to use the sign of the cross in baptism. In October 1640 a group of men and women had assaulted his curate, ‘for crossing a Childe in Baptisme’. One

¹⁰ J. Walker, *An attempt towards recovering an account of the numbers and sufferings of the clergy of the Church of England* (1714), p. 358; E. Symmons, *A loyall subjects beliefs expressed in a letter to Master Stephen Marshall* (Oxford, 1643), preface; W. Prynne, *A Quench-Coale: or A briefe disquisition and inquirie, in what place of the church or chancell the Lords-Table ought to be situated, especially when the sacrament is administered?* (n.p., 1637), pp. 351–8; Walter, *Popular violence*, pp. 169, 178–8; British Library (BL) Additional MS 5829, fo. 71.

¹¹ Wrightson and Levine, *Poverty and piety*, pp. 159–63; Smith, *Ecclesiastical history*, p. 394.

¹² Smith, *Ecclesiastical history*, p. 28; Essex Record Office (ERO) Q/SR 315/22; 316/79; Q/S Mg 5, fo. 21v.

¹³ K. Thomas, *Religion and the decline of magic: studies in popular belief in sixteenth- and seventeenth-century England* (Harmondsworth, 1971), pp. 86–7.

man – whose excommunicated status hints at an earlier pattern of conflict – had forced the clerk to hand over the surplice and hood which he had then ripped to pieces. Later, while the curate was baptizing the child at the font, the service book had been knocked out of his hand, kicked about the church, and trampled underfoot by a group of men and women. Declaring it ‘a popish book’, they had proceeded publicly to burn both prayer book and surplice in the marketplace. That the protesters at Halstead also burnt the books of the officials in the church court which met there doubtless reflected popular hostility to the activity of the court in enforcing Laudian uniformity.¹⁴

The reference in the sixth head to the destruction of ‘as well white glasse as painted’ was in all probability to a very recent episode. On 5 November 1641 a crowd had gathered in the cemetery of the church at the county town of Chelmsford and had broken the glass in both the aisle and east windows, an action for which several were later indicted at the assizes. According to the account of the episode by Bruno Ryves, a royal propagandist well briefed about events in Chelmsford, the churchwardens had replaced offending images of Christ on the Cross and the Virgin Mary with white glass in compliance with the Commons’ order of September 1641 (though this may have meant, as elsewhere, that they had only replaced faces with plain glass).¹⁵ The choice of the highly symbolic date of 5 November for their action suggests that the iconoclasts had judged this an incomplete reformation, insufficient to remove the taint of popish idolatry.

At the core of the ‘abuses’ cited in the petition was a rejection of the prayer book. This was scarcely surprising. A central theme within Laudianism had been the ‘enforcement and popularization’ of the prayer book. For Laudians, the sacraments were vital to salvation and could only be received lawfully in a church founded on ‘uniform and unified public worship’, where ceremonial conformity expressed reverence for God’s presence in the church. For some Laudians, the prayer book’s liturgy provided support for qualifying, even replacing, the exclusive language of a predestinarian theology with sacramental grace, promoting a sacramental priesthood over a preaching ministry. As William Osbalston, the minister at the Essex parish of Great Parndon, was alleged to have said, ‘one hearing of Common-prayer is better than 10 Sermons’.¹⁶ More worryingly, the ambiguities created by a prayer book only

¹⁴ Smith, *Ecclesiastical history*, pp. 8, 87–8, 126; PRO SP 16/339/5; Cambridge University Library, Mm.i.45, p. 38; Journals of the House of Lords (LJ), iv, pp. 100–1, 107, 113, 183; House of Lords Record Office (HLRO) MP HL 10 Dec. 1640; *Historical Manuscripts Commission, Buccleuch MSS*, iii, p. 395; W. Cliftlands, ‘The ‘well-affected’ and the ‘country’: politics and religion in English provincial society, c. 1640 – c. 1654’ (PhD thesis, Essex, 1987), pp. 154, 322n.

¹⁵ PRO ASSI 35/84/10/23–4; B. Ryves, *Mercurius rusticus, or the countries complaint of the murders, robberies, plundrings, and other outrages committed by the rebels on his majesties faithfull subjects* (Oxford, 1643), p. 18; H. Grieve, *The sleepers and the shadows. Chelmsford: a town, its people and its past. Volume 2. From market town to chartered borough 1608–1888* (Chelmsford, 1994), pp. 60, 62.

¹⁶ J. Davies, *The Caroline captivity of the church: Charles I and the remoulding of Anglicanism, 1625–1641* (Oxford, 1992), p. 67; P. Lake, ‘The Laudian style: order, uniformity and the pursuit of the beauty

incrementally, and thus incompletely, reformed had allowed ceremonialists in the 1630s to derive from it authority for recovering a 'pattern of liturgical perfection' that their opponents saw as outright innovation. In particular, the use by some bishops of the prayer book rubric to justify the requirement for all communicants to receive the eucharist kneeling in front of the altar was particularly resented. As the Root and Branch petition of late 1640 declared, it was 'a plain device to usher in the mass'.¹⁷

That Laud's policy as bishop of London had been to require use of the prayer book 'without omission or addition' and to force nonconformists into submission or suspension helps to explain the particular hostility in Essex to episcopacy and the prayer book. At the elections to the Long Parliament at Chelmsford in November 1640 'the country people' were reported to have cried out, 'they would have noe B[isho]p nor highe Comission'.¹⁸ That Laud's successor, Juxon, had chosen to make the use of the cross in baptism, one of the two issues on which he sought to enforce uniformity, helps to explain the conflicts this raised in Essex parishes. Signing with the cross had not been systematically introduced until the 1630s and godly parishioners resented and resisted its use. As a Radwinter man declared, 'It is the mark of the beast.' At christenings, there were several incidents in which parishioners attempted to subvert this ritual, snatching away their child, throwing a cloth over the child's face before it could be signed with a cross or, on one occasion, twisting the curate's hand behind his back to save the child from being marked. In an echo of the violence at Halstead, the minister at Great Hallingbury, Edward Thurman, had been assaulted as he tried to christen a girl.¹⁹ Further evidence of the conflict this could produce is provided by one of the charges later brought against Burrows' minister at Colchester, the anti-puritan Thomas Newcomen, that when baptizing a child whose parents would not allow him 'to crosse it', he had announced, 'We doe not receive this Child into the Congregac[i]on of Christ's Flock,

of holines in the 1630s', in K. Fincham, ed., *The early Stuart church* (London, 1993), pp. 161–85; N. Tyacke, *Anti-Calvinists: the rise of English Arminianism, c. 1590–1640* (Oxford, 1990), pp. 3, 5; J. White, *The first century of scandalous, malignant PRIESTS* (1643), p. 37.

¹⁷ Lake, 'Laudian style', p. 184; A. Milton, *Catholic and reformed: the Roman and Protestant churches in English Protestant thought, 1600–1640* (Cambridge, 1995), p. 72; P. King, 'The reasons for the abolition of the book of common prayer in 1645', *Journal of Ecclesiastical History*, 21 (1970), pp. 327–39; Davies, *Caroline captivity*, passim; S. R. Gardiner, ed., *The constitutional documents of the Puritan Revolution, 1625–1660* (3rd edn, Oxford, 1968), p. 141.

¹⁸ T. Webster, *Godly clergy in early Stuart England: the Caroline puritan movement, c. 1620–1643* (Cambridge, 1997), pp. 185; BL Additional MS 35,331, fo. 78v (a reference I owe to Christopher Thompson).

¹⁹ Davies, *Caroline captivity*, p. 64; Webster, *Godly clergy*, pp. 199–200, 205, 206, 241, 272–3; G. J. Cuming, *A history of the Anglican liturgy* (London, 1969), pp. 133, 136, 139; Maltby, *Prayer book*, pp. 54–5; Bodleian Lib. Rawlinson MS D158, fo. 43v; D. Cressy, *Birth, marriage and death: ritual, religion and the life-cycle in Tudor and Stuart England* (Oxford, 1997), pp. 111, 113, 131; J. Gyford, *Public spirit: dissent in Witham and Essex, 1500–1700* (Witham, 1999), pp. 108, 13; ERO Q/CP 3, p. 130.

*neither doe it with the Signe of the Crosse, in Token yt hereafter it shalbe ashamed to confesse the Faith of Christ crucified.*²⁰

Thus, the intense hostility shown towards the prayer book in 1640 and after was a direct outcome of the role its use had played in the enforcement of some of the most controversial aspects of the religious policy of the 1630s.²¹ The bishops' rigorous policy of enforcing the prescriptions of the prayer book in pursuit of order and uniformity had undoubtedly helped to sharpen growing opposition to its origins. To the godly, the prayer book was still mired in popery. As the Root and Branch petition had declared, the prayer book was 'framed out of the Romish Breviary, Rituals, Mass-book', a judgement echoed in the denunciation of it as 'a popish book' in the Halstead disturbances. At the Essex village of Goldhanger, a husbandman had been going around declaring that 'the book of common prayer was the invencion of the pope of Rome'. At Radwinter, a man who had interrupted services there with the taunt of 'are you at Mass again' pronounced the prayer books which a fellow parishioner had stolen from the church, 'mass-books'.²² Essex's godly were among the first to respond in the provincial petitioning campaign prompted by the presentation of the London Root and Branch petition, reportedly presenting as many as three petitions in support,²³ and objections to the prayer book recurred in later petitions from the county.²⁴

The evidence provided by the draft petition allows us, then, to see what the reaction to the fall of Laudianism was in Essex parishes. It confirms and extends our knowledge of the forms that reaction took.²⁵ The pursuit of ceremonial conformity in the 1630s had made Essex churches arenas for gestural conflict. Signing with the cross, genuflections to the altar, and kneeling at its rails were met with the counter-gestures of refusing to remove hats or to bow the knee and the inversion of appropriate responses, for example remaining seated when the congregation stood and vice versa.²⁶ Behind the often trivial gestures in this conflict lay deep differences in matters of faith that might after 1640 move men and women to physical violence. The profanations detailed in the petition can

²⁰ BL Additional MS 5829, fo. 71 (emphasis in the original).

²¹ For evidence of the wider neglect or absence of the prayer book in Essex parishes, see Clifflands, "Well-affected", pp. 156–8.

²² Gardiner, ed., *Constitutional documents*, p. 141; ERO 'Calendar of Essex assize files', AF 35/84/sess: 1641/13; Bodleian Lib., MS Rawlinson D 158, fo. 43r.

²³ Warwickshire Record Office CR 1988 Box 60/folder 2/29.

²⁴ W. Notestein, ed., *The journal of Sir Simonds D'Ewes from the beginning of the Long Parliament to the opening of the trial of the earl of Strafford* (New Haven and London, 1923), pp. 249, 258; *To the right honorable the knights, citizens, and burgesses, in the Commons House of Parliament now assembled. the humble petition of the maior, aldermen, and other the inhabitants of the towne of COLCHESTER* (1642), p. A2.

²⁵ Given the petition's polemical intent, it cannot serve as evidence of how common such disorder was in Essex. A more general discussion of the incidence of iconoclasm in the eastern counties will be found in J. Walter, 'Abolishing superstition with sedition: popular iconoclasm in Essex and Suffolk in the early 1640s' (in preparation).

²⁶ Clifflands, "Well-affected", p. 156; Walter, *Popular violence*, pp. 161–200. For a detailed example of this conflict in one Essex parish (Witham), see Gyford, *Public spirit*, pp. 21, 104, 109–10, 115.

be seen to represent a coda to this gestural conflict. Puritan anti-formalism clashed with Laudian uniformity. What the petition's drafters derided as the extempore administration of the sacraments and prayer has been described as the godly's 'antiformalist search for 'heart religion', a truly valid religious experience that found it difficult to endure any stumbling block ... among which were the controverted prayer book ceremonies'.²⁷ Seen within this context, the 'abuses' cited within the petition can be understood to be operating within a confessional economy that reveals the order within disorder. They derived their legitimation from godly preaching (of ministers like Stalham and Tuke), which religious repression before 1640 had failed to suppress, and to which the collapse of censorship and the attack on the bishops gave enlarged space after 1640. As the accusation in the petition against Tuke and Stalham makes clear, such ministers felt that being forced to conform to the liturgy prescribed by the prayer book was tantamount to idolatry. Hence the denunciations of the book and its destruction in iconoclastic acts. As the Essex labourer who took away and burned the prayer book at the village of Shelley declared, 'this booke is an Idoll'.²⁸

III

Recent work, notably that by Judith Maltby, has alerted us to the growth in lay support for the use of the prayer book.²⁹ With this knowledge in mind, we can use the evidence of the composition of the petition to allow us to see another reaction – the attempt by its authors to construct a confessional politics around the prayer book which could be mobilized to support a king publicly committed to its defence. This perhaps helps to explain why the Essex petition, unlike most others in defence of the prayer book, was addressed to the king and not parliament. Its purpose, according to the second draft, was to secure a declaration from the king that the

Booke & forme of Com:on prayer now used was that prescribed in the act of 1 Eliz. and that the act remaine[s] in force thereby to settle the minds of yo[u]r people [&] establish amongst us that forme of worship w[hi]ch hath bene that Cement and union of Church & state during the raigne of yo[u]r Selfe and yo[u]r Royall Predicess[o]rs.³⁰

However, we might question whether this was its sole purpose. The manner of its drafting, as well as its highly individualistic content, suggests that although the king was its addressee, it was addressed to a secondary audience, to be found as much in the county as at court.

Although both drafts lack any signatories, the first can be shown to be in the hand of Henry Nevill of Cressing Temple. Nevill had been the unsuccessful court candidate at the county's elections to the Long Parliament. If Nevill's penmanship indicated that he had played an active role in the drafting of the

²⁷ Webster, *Godly clergy*, p. 3.

²⁸ ERO Q/SR 318/29.

²⁹ Maltby, *Prayer book*; J. Morrill, 'The Church in England', in idem, ed., *Reactions to the English Civil War, 1642–1649* (London, 1982), pp. 89–114.

³⁰ LRO DE 221/13/2/21.

petition, then this would have been entirely in line with his close support of the church hierarchy, his marked antipathy towards the godly, and his strident opposition to parliament and its supporters. Robert Aylett, the bishop of London's commissary, described him as 'a forward and active man' in the silencing of the godly in the 1630s, while a hostile newsbook called him 'a man formerly inclined to the late innovations introduced into the Church, & much in favour with the Bishops'.³¹ That he was in all probability a church papist helps to explain the strength of his virulent anti-puritanism.

Henry Nevill's involvement is clearly significant in suggesting the politics behind the petition. For he was part of a group who had supported the policies of the personal rule in a county hitherto dominated by the pro-parliamentarian and puritan earl of Warwick and his allies. Led by the Laudian Lord Maynard, with whom the earl of Warwick had been forced to share the lord lieutenantcy of the county, and including men like Sir John Lucas, the zealous and highly successful ship money sheriff, this group of authoritarian royalists sought to secure support for the king in his conflict with parliament.³² With its deliberate emphasis on disorder, the petition should be seen as a continuation of their campaign. It had been parliament's supporters in the regions who hitherto had made most effective use of petitioning,³³ but by the autumn of 1641 those who sought to recruit support for the king had begun an effective petitioning campaign which drew in particular on a defence of the church and its liturgy against popular disorder and sectarian subversion. The Essex petition was part of that movement.

From 1640, events in the county had been marked by an active popular involvement that could easily be reframed as plebeian disorder. The troops assembled in Essex to be sent to fight the Scots had mutinied in the summer of 1640 and, among their many disorders, had physically attacked one of the deputy lieutenants, their transgressions of the bodily etiquette of deference seemingly threatening popular transgression of the body politic. Popular iconoclasm had been widespread in the county. Reluctant soldiers had become enthusiastic reformers, touring churches in the areas where they were stationed and pulling down altar rails and images, their actions paralleled in the work of civilian iconoclasts. Popular participation had marked both the elections to the

³¹ ERO Q/SR 309/31; W. A. Copinger, ed., *The history and records of the Smith-Carrington family* (London, 1907), pp. 199, 227–30, 522; B. Elliott, 'A Leicestershire recusant family: the Nevills of Nevill Holt', *Recusant History*, 17 (1984), pp. 173–80; Smith, *Ecclesiastical history*, pp. 53, 55; PRO SP 16/350/54; BL E202(42) *An exact and true diurnall of the proceedings in Parliament*, 29 Aug.–5 Sept. 1642, sub 3 Sept.

³² Walter, *Popular violence*, pp. 115–40. It may be significant that most of the examples of abuses cited came from communities in the cloth region of Essex. The reaction of Nevill and others who lived on the edge of the cloth district suggests that in Essex, as elsewhere, a royalist party of order recruited from those industrial and wood-pasture areas where plebeian independence both before and after the climacteric of 1640 alarmed gentlemen: A. Hughes, *The causes of the English Civil War* (London, 1991), p. 145.

³³ Journals of the House of Commons (CJ), II, pp. 54–5; Notestein, ed., *Journal D'Ewes*, pp. 182, 249, 283, 419n; Bodleian Lib., Tanner MS 219, fos. 1–6.

Short and Long Parliaments, and in the case of the latter acclamations of support for the pro-parliament candidates had been punctuated by the reported threat, 'that if Nevill had the day they would teere the gentlemen to peeces'.³⁴ The involvement of people, 'meane Conditioned & most factious & few publique men', angered those who supported the court and worried others. At the same time, the courts were having to deal with seditious threats which challenged previously sacred political taboos. In 1640 the Essex assizes heard the case of a husbandman accused of saying that 'if I were prest for a souldier the Kinge should be the first that I would ayme att'. As another man predicted, 'they would rise in the Country & ... there was no lawes now'.³⁵

The anxiety generated by these disorders was to become a major factor in the way local elites responded to the unfolding of events in the early 1640s. Reactions to iconoclasm among the Essex magistracy provide one telling illustration of this. As Bill Cliftlands has shown, the sharply contrasting verdicts of innocent or guilty delivered by separate groups of magistrates at special sessions held to try iconoclasts in Essex reflected significant political differences which foreshadowed later division into parliamentary and royalist.³⁶ Royalists like Maynard, Nevill, and Lucas, for whom order in the church stood as a metaphor for a more hierarchical social order, regarded such popular agency as anathema. The petition represented an appeal to others who shared their horror at events in the church to support their stance in the state. It was directed to men like the later royalist, Sir Humphrey Mildmay, whose diary records his shock at disorders in his own church of Danbury and who, in writing of parliamentarians in the county, spoke of 'the foolery and *Impiety* of the earl of Warwick and his Rabble'.³⁷ But Nevill and others might have entertained hopes of embarrassing even men like Harbottle Grimston. Grimston, a committed presbyterian, had begun the 1640s by fiercely denouncing Laud to his fellow parliamentarians. But by the summer of 1641 he was seeking an order against the abuses of separatists in Colchester; by November 1641 he was intending to speak in the House against the Commons' September order for taking away innovations, and by 1644 he was counselling 'the pious rites and ceremonies of the Church esteem highly of, which are not repugnant to God's word'. Grimston remained committed to the parliamentary cause, but the shift in his attitudes to the problems of the church reflected the potential in the Essex petition's appeal.³⁸

As the petition's authors recognized, popular disorder was the Achilles' heel of parliament's cause. The survival of the petition in successive drafts allows us

³⁴ PRO SP16/459/36; /457/104; /459/36; /449/48; BL Harleian MS 383, fo. 176r.

³⁵ PRO SP 16/427/30, 35; /451/93; /459/36; /460/63; /468/139; PC 2/52, p. 616; ERO 'Calendar of Essex assize files', AF 35/81/T.

³⁶ Cliftlands, "Well-affected", pp. 150–1.

³⁷ BL Harleian MS 454, fo. 54 (my emphasis).

³⁸ *Mr Grymston's speech in parliament upon the accusation and impeachment of William Laud* (1641); Notestein, ed., *Journal D'Ewes*, pp. 5–6, 169, J. T. Cliffe, *Puritans in conflict: the puritan gentry during and after the Civil Wars* (London, 1988) pp. 4–5; BL E1210(1) *A Christian new years gift: or exhortations to the chief duties of a Christian* (1644), p. 43.

to see how the text was fashioned to emphasize a more general breakdown in order and to attribute this to the actions of parliament and its supporters. Uniquely, the authors of the second draft chose to begin their petition with an exercise in story-telling, adopting a narrative and dramatic form to retell the story of one particular case of church disorder. The case of ‘harvee’, which had been cited in the first draft without further detail, now formed the centrepiece of the petition. Thomas Harvey’s offence was to have ‘taken the Com:on pray[e]r Booke out of his p[ar]ish Church on a Sunday morning & throwne the same into a pond of water & the next day finding it swim[m]ing [he] tooke the same & tearing it in pieces threw part of it into the fire & burnt it’.

Harvey’s surviving examination, taken on 3 September 1641, provides a little more detail to the case.³⁹ He had been present at church on the morning of the 29 August to hear the minister, Ralph Josselin, preach. At the tolling of the bell to announce the second service, he had returned to the church and, while there were still few in church, he had taken away the prayer book and had thrown it into a pond. The next day he had retrieved it and, pocketing some of its pages, he had cut the rest into pieces, burning some and discarding others. According to the account given in the petition, Harvey, when brought before quarter sessions, had offered a defiant justification of his actions, affirming – ‘in open Court’ – ‘That it did not repent him That he had so done ffor since he had taken the protestacon he could not sleep quietly till he had done the same And that it was a popishe Booke & against the word of God’.⁴⁰ Since Harvey regarded the prayer book as ‘popishe’, his taking of the Protestation oath required its destruction. It was important for him not simply to remove the book physically, but to destroy this source of popish pollution. That he chose fire and water for his destruction of the prayer book, with its resonances with ‘swimming’ as a means of proving witchcraft, may have been deliberate. Fire and water were appropriate sanctions in the armoury of both state and folk justice for the punishment of false belief.

Why should the petition’s authors have singled out Harvey’s case from the others of which they had gathered evidence? It was by no means the most flagrant case. In citing Harvey and his appeal to the Protestation oath, the authors of the petition were attempting to use his story to make a larger

³⁹ LRO DE 221/13/2/21; ERO Q/SBa 2/43, unno. (exam. Tho. Harvey, weaver, 3 Sept. 1641); Q/SR 314/92; Q/S Mg 5, fos. 15, 1. Harvey, noted in the rental for Earls Colne as a ‘poor honest man’ (ERO D/Pr 78, 100), was able to secure as his sureties two members of the local elite who might be expected to have approved of his actions – John Brewer, a yeoman and former churchwarden, and the tailor Bartholomew Clarke, a future warden, member of the select group that took closed communion with Josselin and a questing soul later tempted by the Quakers: ERO Q/SR 314/92; www-earlscolne.socanth.cam.ac.uk/index; Macfarlane, ed., *Diary*, pp. 97, 267, 268, 278, 283, 322, 422.

⁴⁰ Harvey appears not to have been in trouble before the church courts, and neither he nor the incident appears in Ralph Josselin’s diary, besides a later suggestive reference to his having been in the company of Josselin’s bugbear, the Quaker Robert Abbot, as he launched yet another attack on the minister. Opposition to the use of the prayer book at Earls Colne continued after the Restoration: Macfarlane, ed., *Diary*, pp. 379, 492, 493, 495. I am grateful to Alan Macfarlane and Sarah Harrison for allowing me to consult their MS indexes for Earls Colne.

political point. They sought to lay the blame for the disorders in local churches at the feet of those in parliament who were pressing the attack on the church. The Protestation required those who took it to ‘maintain and defend, as far as lawfully I may with my life, power and estate, the true reformed Protestant religion expressed in the doctrine of the Church of England, against all Popery and popish innovation’.⁴¹ Originally sworn by the Lords and Commons in May 1641, the oath had been taken by office holders in the early summer of 1641 and more widely in communities which anticipated the later general taking of the oath in 1642. Parliament claimed that the Protestation was an oath of loyalty to crown and church. But for some members of the godly the oath became a charter for challenges to the church and its prayer book. Thomas Harvey was far from the only iconoclast to find in the Protestation justification for their reformatory violence. We have examples of the godly in counties as far apart as Yorkshire and Kent citing the Protestation in support of their denunciation of the popery of the prayer book, in the Yorkshire example again attacking the popish use of the cross in baptism. Within Essex, at Radwinter, the refusal to have children signed with the cross at baptism was also justified by reference to the Protestation. At Earls Colne, the cryptic reference in Ralph Josselin’s diary for 1641 to ‘some abuses offered mee about the Protestation’ might suggest that Harvey was not alone in his reading of what taking the oath required. As Harvey’s claim suggested, the Protestation could be used to justify an appeal to conscience which gave agency to groups for whom a homiletic and proclamatory literature hitherto had prescribed passive obedience.⁴²

Highlighting the abuse of the Protestation in Harvey’s attack on the prayer book, and attributing challenges to the Laudian church as both cause and consequence of the growth in separatism, the authors of the petition sought to label the dominant group in parliament as the ultimate creators of chaos. Both drafts drove home the threat this posed to a society in which the church, and universal membership therein, was a major bulwark of the political and social order – ‘that Cement and union of Church & state’. While the first draft emphasized that as a result of the failure to defend the prayer book by prosecuting its abusers, ‘we see that the unlimited conceites of the Comon people doe dayly increase & produce very ill effects both in the Church & civell govermente’, the second pointed to ‘the dayly neglect and Contempt of Gods true & sincere worship & of ye law & gouernement established in this Kingdom [and] the continuall growth of Error & Schisme ... fomented to th’abuse of Authoritie’.

The court had failed to punish Harvey.⁴³ Since then, the second draft of the

⁴¹ Gardiner, ed., *Constitutional documents*, pp. 155–6.

⁴² Macfarlane, ed., *Diary*, p. 11; Bodleian Lib., Rawlinson MS D158, fo. 43v; Walter, *Popular violence*, pp. 292–6. I am preparing a monograph on the Protestation.

⁴³ In the quarter sessions minute book, Harvey’s recognizance is entered for the Michaelmas (October 1641) sessions. The Hilary (Jan.) 1642 sessions has both a note that he was committed (crossed out) and that he was discharged. Either the confusion arose from the clerk’s practice of writing out in advance the recognizances or the JPs entertained hopes of finding the later jury more

petition claimed, ‘multitudes of the vulgar sort of people do not only refuse to come to any Church to heare divine service according to the Law but do also Com:itt many horrid P[ro]phanacons & other great disord[e]rs to the great dishono[u]r of God & grieffe of yo[u]r Ma[jes]ties loyall Sub[jec]ts’. Drawing on the notes at the end of the first petition, the revised draft then went on to list these profanations, adding to and embellishing its examples to support the petition’s call for the punishment, under the act of 1 Eliz. c. 2, of all those who abused the book of common prayer. The abuses, now detached from their specific contexts, were generalized in such a way as to suggest greater levels of disorder. Seen thus, the abuses cited in the drafts of the petition represented no more than a sampling of the threats posed. Deprived of any dates, their chronology was, it was implied, directly attributable to the failure to uphold the law by prosecuting Harvey.

That the authors chose to cite attacks on ministers like Symmons of Rayne and Michaelson of Chelmsford, who could be seen as upholders of ‘the true reformed protestant religion without any connivance of popery or innovation’,⁴⁴ rather than those on some of the county’s more notorious ceremonialists, may also have been a deliberate attempt to strengthen their appeal. The silences within their text are also telling. It is surely significant that the petition’s authors make no reference to the widespread pulling down of altar rails, the most detested symbol there of Laudian innovation in the 1630s and the single largest cause of disorder in Essex churches in the early 1640s. By contrast, the additions of the second draft to the abuses listed in the first were intended to give a particular reading to the religious character of this disorder. Complaining of the refusal to receive the sacrament as the prayer book prescribed, the authors added refusal to take the sacrament ‘with p[ro]phane ones (as they terme all not of their face[i]on)’. To the refusal to have children baptized was added the telling detail, ‘until they were able to give an accompt of theare faith’. A similar effect was doubtless intended with the addition of an abuse not cited in the first draft: ‘lay people doe presume to Joyne together & marry themselves w[i]thout any Minist[e]r’ contrary to the order in the prayer book. As the seventh incomplete head in the first draft suggested, the authors sought to imply that the abuses were either the work of, or could be thought to contribute to the increase of, ‘sedicious sectaries’. Thus, the abuses the petition’s authors highlighted were directly linked to the threat of separatism with all that implied for the social and political order. It was in the same spirit that one Essex minister had compared those that spoke against ‘the Ceremonies of the Church’ to those bogeymen of the English landed classes, Jack Straw and Wat Tyler.⁴⁵

sympathetic. There is no reference to Harvey in the sessions roll: ERO Q/S Mg 5, fos. 15, 19; Q/SR 315.

⁴⁴ J. Morrill, ‘The attack on the Church of England in the Long Parliament’, in D. Beales and G. Best, eds., *History, society and the churches* (Cambridge, 1985), p. 12. ⁴⁵ CJ, II, p. 3.

Thus, in its timing and intent the Essex petition represented a provincial counterpoint to the splits in parliament that saw the emergence of what has been termed ‘constitutional royalism’. ‘Commitment to non-Laudian episcopacy and the Prayer book’ have been seen as central to this development. The critical impetus was provided, as its historian, David Smith, notes, by ‘the growing plausibility of Charles I’s claim to be the natural defender of the Church of England ... and a fear of religious violence in the English provinces ... which was seemingly accepted if not encouraged – by many within parliament.’⁴⁶ But, it needs to be remembered, the Essex petition represented an attempt by *authoritarian* royalists to recruit from the larger constituency of those who were worried by the direction of parliament’s policies and by popular disorder, the two seemingly increasingly causally connected.

IV

The survival of successive drafts of the Essex petition provides valuable evidence of an attempt by proto-royalists to articulate a confessional politics around defence of the prayer book. But the episode also reveals evidence of the very different, and ultimately more successful, confessional politics to be found in an alliance of the well-affected and godly among the middling sort and gentry. The immediate occasion for the petition was a refusal by the Essex grand jury to support the prosecution of offenders against the prayer book. As Stephen Roberts has noted, ‘the jury was the most representative institution available to the English people’ in the seventeenth century.⁴⁷ There had been several occasions in Essex before 1640 when the assizes or quarter sessions grand jury, calling itself ‘the representative body for this county’, had used its position to criticize government policy.⁴⁸ Then, the county bench had welcomed their intervention, since the most common occasion was the financial demands of central government. But 1641 was different. As the authors of the petition complained in their second draft, when Harvey did appear at the Michaelmas quarter sessions they had not dared to proceed to punish him, ‘for feare insteade of doeing good itt might doe more hart [hurt] amongste the multitude’ if the grand jury had refused to find the indictment a true bill answerable by trial. At the same court, others had been presented under the statute 35 Eliz. c. 1 for absenting themselves from church and failing to hear divine service, but the grand jury had refused to find the presentments. To the obvious discomfiture of the petition’s authors, the jury had declared ‘in open Court’ that the prayer book then in use in Essex churches was not that of 5 and

⁴⁶ Fletcher, *Outbreak*, pp. 283–321; D. L. Smith, *Constitutional royalism and the search for settlement, c. 1640–1649* (Cambridge, 1994), p. 77.

⁴⁷ S. Roberts, ‘Juries and the middling sort: recruitment and performance at Devon quarter sessions, 1649–1670’, in J. S. Cockburn and J. A. Green, eds., *Twelve good men and true: the criminal trial jury in England, 1200–1800* (Princeton, 1988), p. 182.

⁴⁸ B. Quintrell, ‘The government of the county of Essex, 1603–1642’ (PhD thesis, London, 1965), p. 71; Bodleian Lib. MS Firth c. 4, pp. 186, 295, 324; ERO Q/SR 313/34.

6 Edward VI which was protected by the statute of 1 Eliz. c. 2. That denying the legal status of the Stuart prayer book because of changes by the prelates was a common tactic among the godly hints at the politics behind this declaration.

A prosopography of the grand jury for the Michaelmas 1641 quarter sessions uncovers remarkable evidence of the histories of members of the jury which confirms that the godly had captured the ‘voice of the county’. Fifteen men made up the jury.⁴⁹ In Essex, as in other counties, the social base of the quarter sessions’ grand jury lay in the middling sort. Prosperous yeomen and tradesmen, with a sprinkling of parish gentleman, served as jurors. As the extant return for ship money in the county makes clear, the jurors were among the wealthiest inhabitants in their parishes.⁵⁰ Several were in fact minor gentlemen. Others might easily have been. For example, William Garrard, though described as a yeoman in some records, was rated only second to the earl of Warwick in the parish of Little Leighs and described himself in a 1629 court case as ‘worth a thousand pounds’.⁵¹ The honorific title of gentleman bestowed formally on all of them in the jury list at least catches their common membership of a local elite. Together, these men represented a significant pool of administrative experience. Some had previously served as high constables; all had experience of parochial office.

If wealth and experience of office gave the jurors the authority to speak out, their membership of the godly gave them the confidence to do so. The religious histories of more than half of the jurors suggest that they would have resented the Laudian policies of the 1630s. A majority of the jury had experience within their own parish of confessional strife. Nine of the fifteen came from parishes where the minister was subsequently sequestered.⁵² The godly among them would have found such ministers’ preaching inadequate. The minister at Goldhanger, the parish of one juror, was, according to a female parishioner, ‘no soul-saving parson’; his preaching was likened to ‘water spilt on the ground’.⁵³ A smaller group of jurors also had more immediately relevant experience. At least five of the parishes from which the jury was drawn had witnessed acts of popular iconoclasm before the court’s meeting.⁵⁴ Their own

⁴⁹ ERO Q/SR 314/36. The following analysis is based on a detailed search of county (tax lists, quarter session and assize rolls), parish and testamentary records. I am also grateful to Bill Clifflands for letting me share the results of his own detailed research on local office holding.

⁵⁰ PRO SP 16/358.

⁵¹ Quintrell, ‘Government’, pp. 70–1; P. Lawson, ‘Lawless juries? the composition and behaviour of the Hertfordshire juries, 1573–1624’, in Cockburn and Green, eds., *Twelve good men*, pp. 127–33; J. S. Morrill, *The Cheshire grand jury, 1625–1659: a social and administrative study* (Dept of English Local History, occas. papers, 3rd ser., Leicester, 1976); PRO SP 16/358, fo. 69; ERO D/ABD 5, fos. 38v–39. I am grateful to Janet Gyford for the last reference.

⁵² A. G. Matthews, *Walker revised: being a revision of John Walker’s Sufferings of the Clergy during the Grand Rebellion, 1642–60* (Oxford, 1988); Great Braxted (Thomas Meighen); Chelmsford (John Michaelson); Chigwell (Emmanuel Uty); Goldhanger (William Sweno); Henny (Charles Forbench); Magdalen Laver (George Kindleton); Nazeing (Robert Lewis); Newport (Robert Sparkes); Sheering (Stephen Withers).

⁵³ ERO D/AZ 1/8, fo. 72.

⁵⁴ Braxted; Chelmsford; Chigwell; Lt Leighs; Terling; ERO Q/SR 311/15, 48; PRO ASSI 35/84/10/23; BL Additional MS 21,935, fo. 89.

histories leave little doubt what their attitude would have been to the attempt to prosecute fellow members of the godly.

This was certainly the case with John Maidstone, the probable foreman of the jury.⁵⁵ Maidstone was a member of the godly elite at Terling and a close friend of the minister there, John Stalham, the very man complained of in the petition. Maidstone, a gentleman farmer, called Stalham ‘my very loving Friend and vigiland Pastour’, later contributing a foreword, thanking him for rescuing him from the snares of ‘anti-paedobaptisme’, to Stalham’s 1647 tract, *Vindiciae redemptionis*. Maidstone may well have chosen to move himself and his family to Terling to escape persecution and to enjoy Stalham’s ministry. Evidence for Maidstone’s residence at Terling only begins in 1641. It has not been possible to establish for certain his previous parish – we know that he had earlier lived in John Winthrop’s parish of Groton – but it is interesting to speculate what his relationship was to the man of the same name and status, who had been persecuted by the church authorities in the 1630s for refusing to allow the altar rails to be set up at Boxted and thereafter for failing to receive communion, or to the family of that name there whose nonconformity and harriving of their minister saw frequent appearances before the church courts continuing on after the Restoration. If this history was not enough to confirm what his attitude to the attempt to prosecute the ‘disorders’ in the petition would have been, he had also recently been appointed by parliament to a local commission to secure justice for one of the victims of the church hierarchy in the 1630s. This was none other than Samuel Burrows, another of the men complained of in the petition.⁵⁶

Maidstone’s fellow jurymen, William Garrard, came from the earl of Warwick’s own parish of Little Leighs. Garrard, who may have been related to the family of the same name among the puritan rulers of Witham,⁵⁷ was another man who had moved to his present parish. (These histories suggest that more work is needed on the process whereby wealthier members of the godly, relocating to godly parishes, were able to undertake a little-noticed internal migration, that paralleled the more famous great migration to America and enabled them to escape the charge of ‘gadding’ that many other members of the godly fell victim to in Essex in the 1630s.) At Little Leighs, Garrard was able to enjoy the godly ministry of the rector, John Beadle. Beadle, chaplain to

⁵⁵ Maidstone’s name was entered second, but had the number one entered beside: ERO Q/SR 314/131.

⁵⁶ Wrightson and Levine, *Poverty and piety*, pp. 74, 163; Stalham, *Vindiciae redemptionis*, ‘To the christian reader’; ERO Q/S Ba 2/57; Q/SR 311/108, 318/153; PRO ASSI 35/90/8, 91/10; 340/23; ERO D/ACW 14/159, 270; 13/78, 15/78; D/ACA 50, fo. 130v; 52, fos. 234, 246; 53, fo. 203; 54, fo. 1; Q/SR 310/63, 311/7; 312/148; HLRO MP HL 29 July 1641. For evidence of the nonconformity of the Maidstone family after the Restoration and continuing hostility to the prayer book, see J. Champion and L. McNulty, ‘Making orthodoxy in late Restoration England: the trials of Edmund Hickerlingill, 1662–1710’, in M. J. Braddick and J. Walter, eds., *Negotiating power in early modern society* (Cambridge, 2001), pp. 233, 235. For other examples of the drawing power of the ministry at Terling, see Gyford, *Public spirit*, pp. 104–7.

⁵⁷ A suggestion I owe to Janet Gyford: Gyford, *Public spirit*, sub Garrard.

the earl of Warwick, had been frequently in trouble with the episcopal authorities in the 1630s for his nonconformity. Among his many offences was baptizing his own child without the sign of the cross; in his later work *The journal or diary of a thankful Christian*, Beadle picked out controversy over baptizing with the cross as one of the marks of the persecution of the 1630s. Like Maidstone, Garrard had very direct reasons to oppose the attempt to prosecute opponents of the prayer book. At the very same quarter sessions that he served on the grand jury, Garrard had been returned as surety for Samuel Burrows, the very same man cited in the prayer book petition.⁵⁸

Other jurors had similar, if less well-documented, histories. William Carrier was one of the wealthiest inhabitants at Moulsham and had refused to assess the parish for ship money. While his will confirms his godly identity, his wife's experience provides more relevant experience for his likely attitude as a grand juror. She had been one of two women who had tried to prevent the curate at the next-door parish of Chelmsford from baptizing a child with the sign of the cross. Her sister in the struggle was the wife of a man whose refusal to take communion in the form 'appointed by the book' had led to an appearance before High Commission and flight to New England.⁵⁹ Carrier would have known his fellow juror, Richard Lucas. Lucas, a wealthy Chelmsford butcher, was a member of the ruling group in the town in the 1640s and a committed supporter of the town's presbyterian minister Mark Mott.⁶⁰ Another juror, John Cockett of Newport, was one of the churchwardens whom the church authorities had repeatedly to cite for their failure to rail in the communion table or to provide their minister with a hood.⁶¹ Daniel Cramphorne was second signatory for Sheering on the pro-parliamentarian Essex petition of January 1642 which complained of the lack of religious reformation and called for the removal of the bishops from the House of Lords. In 1648, he was one of the two presbyterian lay elders listed for Sheering.⁶² Richard Knight, a yeoman from Goldhanger, left a will whose preamble and appointment of the godly Maldon alderman Thomas Plume as executor suggests a fellow membership of the godly.⁶³ Another grand juror, Gabriel

⁵⁸ ERO Q/SR 312/148, 316/26; D/ABD 5, fo. 38v; Webster, *Godly clergy*, pp. 199–200; J. Beadle, *The journal or diary of a thankful Christian presented in some meditations upon Numb. 33:2* (1656), p. 45; ERO Q/S Mg 5, fo. 16v.

⁵⁹ Grieve, *Sleepers*, pp. 23, 47, 52; ERO Q/SR 266/11; 269/22; 271/1, 133; 273/58; 277/36; 285/8; 286/19; 293/121, 303, 304, 314; 298/55–6; 300/52; 314/59; D/P 94/5/1, fos. 262, 264v, 278v; D/ABW 57/322; PRO ASSI 35/71/2/6; /77/1; /80/3; /81/1; ERO D/ABA 7, fo. 11.

⁶⁰ ERO Q/SR 212/98; 265/87; 344/33–4; 321/109–12; D/P 94/5, fos. 1, 218, 220, 262, 335, 337, 338, 339, 345; D/ABR 10/486; Grieve, *Sleepers*, pp. 325, 61, 67, 82.

⁶¹ PRO ASSI 35/81/1; /83/3, 9; ERO D/DQ 61/87; D/ABW 44/139; D/ABA 8, fos. 10v, 48v, 92v, 129, 133, 143.

⁶² ERO Q/SR 317/132; 320/210; 323/113; HLRO MP HL 20 Jan. 1641/2; W. A. Shaw, *A history of the English Church during the Civil War and under the commonwealth, 1640–1660* (2 vols., London, 1900), II, p. 382.

⁶³ ERO Q/SR 292/54; 312/148; 313/36; 318/153; 320/69, 70, 184, 200; D/P 240/1/3; D/ACA 52, fo. 256v; 53, fo. 7; D/ACW 15/268; W. J. Petchey, *A prospect of Maldon, 1500–1689* (Chelmsford, 1991), pp. 74, 156, 162, 243.

Curtis of Nazeing, was a member of the family there, whose members emigrated to New England in the 1630s, initially as part of the company of their in-law John Eliot, assistant to Thomas Hooker and later ‘apostle to the Indians’.⁶⁴ Less is known of John Sewell, a yeomen from Great Henny. But what is known is even more revealing. Sewell had been one of those at the midsummer quarter sessions in 1641 whose indictment for failing to attend their parish church had been thrown out by the grand jury.⁶⁵

Only one of the jurors has a history that suggests he would have been a definite supporter of the prayer book. John Aylett was one of the seven members of the grand jury in summer 1642 who signed a later royalist petition, and he was also a signatory to the royalist petition of early 1643. One of the wealthiest inhabitants in his parish of Magdalen Laver, where the minister was a committed supporter of the ceremonialism of the 1630s, he may have been related to Robert Aylett, Laud’s commissary in Essex.⁶⁶ Of the remaining five men, it has been possible to find little. Other jurors may have shared Aylett’s stance, but as this survey shows, a majority – nine of the fifteen – had histories which help to explain, sometimes very directly, their opposition to the attempt to use defence of the prayer book as a device to prosecute opponents of the ceremonialism of the 1630s.

An identification of the godly leaven at the heart of the grand jury suggests that a very different strand of confessional politics was in operation at the quarter sessions. The petition had noted that ‘members of both howses’, present at quarter sessions in 1641, could testify to the action of the grand jurors. But the petition’s drafters must have known that they could expect to have received little support from this quarter. By contrast, the grand jurors could have expected that their stance was likely to receive significant support from the parliamentary representatives present. Parliamentary representation in Essex was dominated by the earl of Warwick and his allies. Key members of this group had made public their hostility to the prayer book and the ceremonialism of the 1630s. In the Lords, in September 1641, the earl of Warwick had opposed the attempt to publish the House’s earlier order of January 1641 requiring the performance of divine service to be as appointed by statute. In the Commons in the same month, Sir Henry Mildmay and Sir William Masham (who had earlier presented the Essex ‘Root and Branch’ petition) had acted as tellers for those voting against the addition of a clause to prevent abuses of the prayer book that might arise from the Commons’ controversial order for the removal of innovations from parish churches. In the

⁶⁴ R. Thompson, *Mobility and migration: East Anglian founders of New England, 1629–1640* (Amherst, 1994), Table 16, p. 103; W. Winters, ‘Notices of the Pilgrim fathers: John Eliot and his friends of Nazeing’, *Transactions of the Royal Historical Society*, 10 (1928), pp. 267–311.

⁶⁵ ERO Q/SR 299/24; 308/133; 310/35; 313/63. The minister at Henny, Charles Forbench, appeared before the Committee for Scandalous Ministers: White, *First century*, p. 2.

⁶⁶ ERO Q/SR 295/87; 297/31; 313/50; 318/12; D/DHt T 163/4; PRO SP 16/358, fo. 75v; B. P. Levack, *The civil lawyers in England, 1603–1641: a political study* (Oxford, 1973), p. 207. For the minister, Francis Kindleton: BL Additional MS 5829, fo. 85.

same debate, Sir Thomas Barrington, Warwick's leading ally in the county, spoke against the prayer book. Even more pertinently, we find Sir Henry Mildmay, who had moved as early as January 1641 for the removal of images and idols, telling his fellow MPs in a debate in January 1642, 'that all the service book is not confirmed by law'.⁶⁷

The presence of so many godly at one time on the grand jury raises the intriguing issue of whether their presence on the jury was merely coincidental.⁶⁸ The earlier episode of the collection of ship money in the county had revealed the ability of the earl of Warwick, acting through estate officers and tenants, to co-ordinate popular opposition. A common interest in the further reformation of the church, in the propagation of godly preaching, and in the suppression of sin and superstition, could also forge an alliance between middling sort and county elite. A shared identity as 'godly people' made it possible for parliamentarians in the county to acknowledge and to co-operate with the 'well affected' among the middling sort.⁶⁹ Their religion may also have made it possible for them (and the middling sort) to allow those below them a more active role. They too may have subscribed to the belief articulated by their fellow puritan, the Yorkshire JP, Thomas Stockdale, in his comment on crowd actions in London, that 'the insurrections of the apprentices (as all ungoverned multitudes) are of very dangerous consequence; but God who works miracles can, out of such violent actions, bring comfortable effects'.⁷⁰

In his study of Devonshire, Stephen Roberts found that the grand jury's independence was compromised by their dependence on the gentry. He writes that, 'in the presentment system at least the jury was consistently pliant. We simply do not know what the expressed views of the jurors were'. Roberts's judgement reminds us that the situation may have varied from county to county. But in the case of Essex, where we do have evidence of the views of the jurors, the situation appears very different.⁷¹ The political stand taken by members of the grand jury in 1641 was not an isolated incident. A regime

⁶⁷ C. Russell, *The fall of the British monarchies, 1637–1642* (Oxford, 1991), p. 370; BL Harleian MS 164, fos. 887–8, 890; Notestein, *Journal D'Essex*, p. 249; CJ, II, p. 279.

⁶⁸ We know too little of the process by which the grand jury was selected in Essex. The sheriff in 1641 was Robert Smith. Although formally the responsibility of the sheriff, it was his officials, shadowy figures in the records, who probably played the larger role. Only one third of the members of the 1641 grand jury can be shown to have served previously.

⁶⁹ V. A. Rowe, 'Robert second earl of Warwick and the payment of ship money in Essex', *Transactions of the Essex Archaeological Society*, 3rd ser., 1 (1963), pp. 160–3; Walter, *Popular violence*, pp. 149–55.

⁷⁰ D. Rogerson, 'Popular politics in the West Riding during the English civil war 1640–1648' (MA thesis, Warwick, 1991), p. 82. For the argument that Warwick and his allies were prepared to accept popular agency in the so-called Stour valley riots of 1642, see Walter, *Popular violence*, pp. 152–5.

⁷¹ Roberts, 'Juries', pp. 184–5; idem, *Recovery and restoration in an English county: Devon local administration, 1646–1670* (Exeter, 1985), pp. 71, 84, 94, 117. It is however salutary to recognize even in the case of Essex that without the evidence of the petitions the formal court records would have given little hint of the conflict the court witnessed.

which, in the 1630s, had tried to rule through the courts, rather than parliament, had inevitably politicized the courts. Even before 1640, the bitter conflict in the county over the railing in of the altar had seen opponents of the bishops turn to the criminal courts to try to argue the illegality of innovations. The remarkable 'remonstrance' against Laudian altar policy, prepared as part of his legal defence by one Essex churchwarden, provides evidence of the political sophistication literate members of the middling sort could display, studded as it is with citations to statutes stretching back to the Henrician Submission of the Clergy. Samuel Burrows had himself tried to indict his minister at Colchester at the borough's quarter sessions in 1636/7. At the summer assizes for Essex in 1639 the grand jury had found as true bills two indictments of ministers for denying communion to those who refused to come to the rails, and they were reported to have anticipated another seven or eight bills being framed. (The evidence of a similar process in neighbouring Suffolk perhaps suggests prior co-ordination.⁷²) When Robert Aylett remonstrated with the foreman of the jury, 'he excused himselfe yt all were violent for it'. Later, at the very same quarter sessions that saw Harvey presented, an attempt was made to present the minister of Danbury for wearing the hood and surplice and the churchwardens for their failure to pluck up the rails there as 'a greate grievance to the people'. A valuable scrap of evidence, provided by a clerk's jotting in the Essex quarter sessions minute book, which gives the heads of the charge at the assizes in March 1640/1, reminds us that courts could educate, as well as facilitate, opposition. The issue of religion heads the charge and 1 Eliz. the list of statutes cited.⁷³

It is unlikely that Essex was alone in seeing the middling sort use the political space provided by their domination of the grand jury. After 1640, the developing political conflict, in which groups sought to use the authority of the quarter sessions and assizes to launch and endorse their petitions, gave the courts even greater political importance. For example, the rival petitioning campaigns in the summer of 1642, when the crown exploited the royal charge at the assizes to secure expressions of support from the provinces, saw further politicization of the grand jury. In Essex, seven members of the grand jury signed a petition favourable to the king, prompting a pro-parliamentarian petition, while in neighbouring Suffolk (where there had also been attempts to indict ceremonialist clergy) a similar petition from the grand jury in support of the king occasioned a counter petition in the name of the high constables and freeholders attending the assizes, which can be shown to have been authored from among the county's godly and well-affected middling sort. The petition, couched in terms of a readiness to uphold the unity of king and parliament but offering a forthright condemnation of Charles I's actions, provides striking

⁷² Laud, *Works*, v, p. 364.

⁷³ PRO SP 16/375/109, /337/84; /427/30; ERO Q/SR Mg 5, fo. 5v; Q/SR 314/60,61: the presentments were struck out by the court. For evidence of 'disorder' at the Easter communion at Danbury, see BL Harleian MS 454, fo. 40r.

evidence of the ability of those outside the ranks of the gentry to advance a pro-parliamentarian agenda.⁷⁴

The tendency still to write the political history of the period in terms of a binary elite/popular dichotomy, now discredited in the social history of the period, or to conflate all actions below the level of the gentry as popular or plebeian, has obscured the important political agency exercised by the middling sort.⁷⁵ Governing local society and given a larger voice in the parliamentary elections by an extension of the franchise and increasingly contested elections, the middling sort were equally able to make greater use of that other ‘representative of the people’ – the provincial law courts – which some contemporaries likened to provincial parliaments. Middling sort juries, who were capable of exploiting their position to exercise independent authority in the criminal law, could also use it to stake a claim to political authority. Seen in this context, the Essex petition’s concern with disorder is capable of a deeper reading, reflecting the unease among sections of the landed classes at the ability of the ‘well affected’ among the middling sort to claim a voice as ‘publique men’ and to use it to advance a religious and political programme that they found anathema. The ability of the Essex grand jury in 1641 to deliver their ‘verdict according to conscience’ points to the need when writing the history of this period to recognize that the growing importance of the middling sort, now central to the writing of early modern social history, also had important repercussions for early modern political history.⁷⁶

If the turn to the county study, with its focus on the politics of the county community, represented a significant gain in our understanding of early modern politics, its tendency to restrict a political role or consciousness to the gentry represented a significant cost. Inasmuch as the labels continue to have currency in the present state of research, marrying the concerns of the political historian with the sources and research techniques of the social historian promises to re-invigorate the study of politics in the provinces. And just as the tendency to restrict the politics of the county community to the county was wrong for gentry politics, so a concern to recover middling sort politics in early modern England will need to pay attention to the networks that linked the godly and well affected across county boundaries and with the capital. In

⁷⁴ PRO SP 16/491/77; BL Egerton MS 2651, fos. 118–19; Bodleian Lib., Rawlinson MS 10, fo. 79; Tanner MS 63, fo. 110; Bankes MS 52, fo. 60; BL E 112(9) *Two petitions ... THE OTHER to the right worshipfull the justices of the peace now assembled at the assizes holden at Bury St Edmunds for the county of Suffolk* (1642). I am preparing an article on this episode.

⁷⁵ For attempts to sketch the political role of the middling sort, see the striking suggestions in D. Rollison, *The local origins of modern society: Gloucestershire 1500–1800* (London, 1992) and the pioneering study by Bill Clifilands, “Well-affected”. For a case study, see Walter, *Popular violence*, pp. 105–14.

⁷⁶ Lawson, ‘Lawless juries?’, pp. 117–57. The evidence presented here suggest a deeper layer and longer historical perspective to the conflicts over the role of the jury charted by Thomas Green, *Verdicts according to conscience: perspectives on the English criminal trial jury, 1200–1800* (Chicago and London, 1985), chs. 4–5; idem, ‘A retrospective on the criminal trial jury, 1200–1800’, in Cockburn and Green, eds., *Twelve good men*, p. 383.

answering Patrick Collinson's call 'to explore the social depths of politics', it may also add a further challenge to the continuing emphasis on localism as a dominant political motif.⁷⁷ Helping to identify the enlarged boundaries to an early modern public sphere may also extend the purchase of post-revisionist arguments for the importance of political principle in the political culture and practice of early modern England.

V

The draft Essex petition was one of a number in support of the prayer book which emphasized interruptions to church services and the larger threat this posed to the social order.⁷⁸ Despite some evidence of direct borrowing, Judith Maltby suggests that the textual individuality of the petitions confirms that they were a product of the localities, 'an authentic and indigenous voice'.⁷⁹ That 'expressions of grievance had to appear as a direct, spontaneous communication from the localities to the political center' was, it has been argued, one of the central protocols of petitioning, not least because spontaneity was taken to be the antithesis of factionalism.⁸⁰ But there is a danger that Maltby's conclusion misses the wider political context within which these petitions were drawn up. At minimum, it seems likely that knowledge of petitions elsewhere would have been available to the Essex authors within the grid of easy communication that characterized early modern England. Ties of cousinage and correspondence, reinforced by the gathering of so many representatives of the landed estate together in parliament, would have ensured a wider knowledge of developments both in the capital and other provinces. These links must help to explain the clustering of prayer book petitions in the last months of 1641. But the political context suggests that this clustering may also reflect more deliberate co-ordination, of the sort for which there is earlier evidence for Cheshire and Sir Thomas Aston in direct response to court bidding.⁸¹

Maltby's researches reveal that the two months of November and December alone account for just under half of the extant petitions.⁸² This clustering is surely significant. Two moments frame this period. September 1641 had seen the Commons pass and publish an order for the removal of superstitious innovations without either the agreement of king or Lords. This had led to an unsuccessful attempt to introduce a clause against abuses of the prayer book, because of fears that the Commons' order would occasion tumults in church and state. It had also led to a decision by the majority in the Lords, in

⁷⁷ P. Collinson, *De republica Anglorum: or, history with the politics put back* (Cambridge, 1990), p. 15.

⁷⁸ Maltby, 'Petitions for episcopacy', pp. 125, 133–4, 137–8, 150, 162, 166–7.

⁷⁹ *Ibid.*, p. 108.

⁸⁰ Zaret, *Origins*, p. 59.

⁸¹ J. S. Morrill, *Cheshire 1630–1660: county government and society during the 'English Revolution'* (Oxford, 1974), p. 48.

⁸² Twelve out of twenty-seven dated petitions come from this period: Maltby, *Prayer book*, appendix 1, pp. 238–47.

opposition to the Commons, to put into print their January 1641 order requiring divine service to be performed as appointed by statute. The second moment was provided by the royal proclamation of 10 December ‘for obedience to the lawes ordained for establishing of the true religion’, in effect a re-statement of the Lords’ January order.⁸³ Representing Charles as the natural defender of the church, this announced his resolve, ‘for the preservation of Unitie and Peace (which is most necessary at this time for the Church of England) to require Obedience to the Lawes and Statutes ordained for establishing of the true religion in this’, ‘His majestie ... [being] sensible that the present division, separation and disorder about the Worship and service of God, as it is established by the Laws and Statutes of this Kingdom ... tendeth to great distraction and confusion, and may endanger the subversion of the very essence and substance of true Religion.’

As Conrad Russell has argued, the Commons’ September order provided a rallying point to those opposed to further reformation and made it possible ‘to turn the rule of law into an effective Royalist slogan’. ‘Behind this policy, a series of county petitions for episcopacy and the Book of Common Prayer were ... organized.’⁸⁴ Without further evidence we can only speculate on the possible link between events at the centre, as the king and his advisers saw the political potential in a defence of the church shorn of Laudian innovations, and the timing of the petitioning movement in the provinces. The first Essex draft appears to be dated to November 1641, the latter is undated, though its claim to be subscribed by ‘divers justices of peace’ perhaps suggests it envisaged subscription at a later meeting of quarter sessions.⁸⁵ Certainly, the idiosyncracies of the Essex petition, with its careful illustration of general themes with local story-telling, can leave us in no doubt that its content was the product of local authors. But the politics of its production suggests that local authorship did not preclude a response to central cues and that its origins did not lie simply in a concern to defend the rhythms of prayer book protestantism.

This is not to deny that petitions, while responding to initiatives from the centre, could offer a voice to those who shared the concerns articulated. As Maltby argues, petitions could provide committed conformists with a distinctive voice and their subscription can reveal how large a group ‘prayer book protestants’ could be constituted in some counties. But the Essex petition serves as a reminder that greater knowledge of the process by which petitions were authored and circulated might suggest that petitions, especially those

⁸³ *Stuart royal proclamations, ii, royal proclamations of King Charles 1, 1625–1646*, ed. J. F. Larkin (Oxford, 1983), no. 325, pp. 752–3.

⁸⁴ Russell, *Fall*, pp. 370–1, 402–8, 437.

⁸⁵ ERO Q/SR 314/139. It may have been the case that the planning of it began earlier. In September, when Sir Thomas Barrington had expressed anxiety about the opposition to parliament’s proceedings from ‘a Comixture of malcontents severally disaffected’, there was a report of a petition ‘in the behalfe of Episcopacy’ being circulated for signature in neighbouring Suffolk: Bodleian Lib., Tanner MS 66, fo. 178; Beinecke Lib., Yale, Osborn Collection, Sir Thomas Barrington to Lord Howard of Escricke, 24 Sept. 1641. (I am grateful to Christopher Thompson for lending me his transcript of this document.)

without independent evidence of subscription, might be as much a politically motivated attempt to construct, as to represent, public opinion. The discovery of the Essex draft can hardly be taken as evidence of wider support for the prayer book. There is no evidence that it was ever presented, nor even that it was circulated for signature. That the second draft replaced the claim of the first to be ‘the humble petition of divers of the Justices of peace & Gentry with divers of the inhabitants of the County of Essex both Clergy and laytie’ with the altogether more modest attribution to ‘divers justices of the peace of the county of Essex’ suggests either a lack of confidence or a lack of support.

While the draft petition provides evidence of the attempt to use defence of the church against sectarian disorders to form a political alliance for the crown, it was parliament’s supporters in Essex who managed, in early 1642, to circulate separate petitions to both Lords and Commons which succeeded by focusing on the alternative demonology of popery in gaining the subscription of thousands, parish by parish, a process in which doubtless the godly middling sort (as well as ministers) again played an important role.⁸⁶ It was this confessional alliance of the godly against the arminian/popish conspiracy that allowed the earl of Warwick and his allies to capture the county for parliament in ‘the puritan moment’.⁸⁷ It was not until the summer of 1642 that the proto-royalists in Essex, in response to a centrally co-ordinated campaign, were able to use the assizes to petition in support of the king. This petition, like its stillborn predecessor, made great play of the king’s ‘most Christian & zealous resolution to maintain the true Protestant religion in ye purity thereof ag[ains]t the practises of papists and the insolencies of Sectaries’. That it was signed by twenty-six of the Essex justices, as well as seven of the grand jury, indicates the level of support this message could by then attract. This later episode was part of a more concerted royal campaign to capture the counties, which included the remodelling of the Essex county bench and the issuing of the commission of array.⁸⁸ Only further work would reveal whether, after the failure of the 1641 petition, this also included an attempted remodelling of the grand jury. The lesson of the Essex drafts is that if we are to resolve the historical debate over the utility of petitions as evidence for ‘public opinion’ we need to attend to the political context and to the political processes out of which petitions emerged. In the divided politics of the early 1640s, petitions claiming to represent the political views of the county were as much attempts to construct, as reflect, public opinion.

⁸⁶ HLRO MP 20 Jan. 1641/2: I am currently engaged in reconstructing the integrity of this petition, which had been arbitrarily cut up and pasted to form a roll, in order to examine, *inter alia*, the process of circulation and subscription.

⁸⁷ W. Hunt, *The puritan moment: the coming of revolution in an English county* (Cambridge, MA, 1983).

⁸⁸ PRO SP 16/491/52, 77; BL Egerton MS 2651, fo. 118; Bodleian Lib., Rawlinson MS Essex 10, fo. 79; BL Thomason Tract 669, f5(66); Walter, *Popular violence*, pp. 127–40.