

THE UNIVERSITY OF CHICAGO

Liberating the Press: The Political Economy and Intellectual  
Forces Behind the Demise of the Licensing Act

By

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August 2023

A paper submitted in partial fulfillment of the requirements for the Master of Arts  
degree in the Master of Arts Program in the Social Sciences

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## Introduction

In the 18th century, many Britons took pride in having the freest press in Europe. This pride was not unfounded—unlike most European nations, Britain did not have a pre-publication censorship institution. In 1695, the House of Commons declined to renew the Licensing Act, allowing it to expire without any future revivals. This Act existed between 1662 and 1695, with a lapse between 1679 and 1685. At its core, this Act was a culmination of previous licensing and press regulation ordinances and proclamations, with some significant additions. The lapse of the Licensing Act in 1695 marked the end of the pre-publication censorship and press regulation system that had existed for decades. It was a momentous milestone for the liberty of the press. The removal of licensing and the restrictions on the number of printers and printing presses led to a proliferation of the press. In 1695, London housed only 50 printing presses, but by 1705, that number had surged to 150.<sup>1</sup> Until the expiration of the Licensing Act, printing presses were legally confined to London, York, Oxford, and Cambridge. In May 1695, the month that the Act expired, a printer had already established operations in Bristol. By 1696, a printing press was established in Shrewsbury, and by 1698, one in Exeter.<sup>2</sup> In 1695, the official *London Gazette* stood as the sole newspaper, but by the end of the year, *Post Boy*, *Flying Post*, and *Post Man* emerged and were in wide circulation. Provincial printing was now permitted, leading to the establishment of approximately two dozen provincial newspapers by the mid-1720s.<sup>3</sup> By 1704,

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<sup>1</sup> Mark Goldie and Geoff Kemp, eds., *Censorship and the Press, 1580-1720*, vol.4, (London: Pickering & Chatto, 2009), p. xi

<sup>2</sup> Michael Treadwell, “The Stationers and the Printing Acts at the End of the Seventeenth Century” In *The Cambridge History of the Book in Britain 1557-1695*, vol 4., eds. John Barnard and D. F. McKenzie. (Cambridge: University Press, 2002,) p.772

<sup>3</sup> Mark Goldie and Geoff Kemp, eds., *Censorship and the Press, 1580-1720*, vol.4, p.xi

sales of newspapers had reached 44,000 copies per week, with readership naturally being much higher.<sup>4</sup>

The newfound press freedoms facilitated the publication of books challenging Church doctrines. Almost immediately following the lapse of the Licensing Act, John Locke published his highly controversial book *The Reasonableness of Christianity*. In 1696, John Toland authored *Christianity Not Mystrious*, wherein he argued that the Bible contained no true mysteries and that the dogmas of faith could be comprehended through reasoned inquiry. The perception of the press underwent a significant transformation. By 1704, Matthew Tindal was already describing the press as the sentinel for all kinds of liberty, civil and religious.<sup>5</sup>

Scholars from a variety of fields have appreciated the importance of the end of the Licensing Act. Macaulay famously remarked that the expiry of this Act did more for liberty and civilization than the Great Charter and the Bill of Rights. Habermas pointed to 1695 as a critical turning point in the emergence of the public sphere.<sup>6</sup> Historians of copyright, Mark Rose and Jody Greene, point to the demise of the Licensing Act as a critical moment in the chain of events that led to modern copyright.<sup>7</sup> The fourth volume of *The Cambridge History of the Book* ends in the year 1695.

Naturally, the causes for the expiry of the Licensing Act have received significant scholarly attention. Macaulay, the first historian on the expiry of the Licensing Act, wrote

They knew not what they were doing, what a revolution they were making, what a power they were calling into existence. They pointed out... the absurdities and iniquities of the statute

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<sup>4</sup> James R. Sutherland, "The Circulation of Newspapers and Literary Periodicals, 1700-1730." *The Library* s4-XV, no. 1 (June 1934), p. 111

<sup>5</sup> Matthew Tindal. *Reasons Against Restraining the Press*. London: [s.n.], 1704, p.14

<sup>6</sup> Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. 1st MIT Press pbk. ed., (Cambridge, Mass.: MIT Press, 1991), p.58

<sup>7</sup> Jody Greene, *The Trouble with Ownership: Literary Property and Authorial Liability in England, 1660-1730*. (Philadelphia: University of Pennsylvania Press, 2005); Mark Rose, *Authors and Owners: The Invention of Copyright*. (Cambridge, Mass.: Harvard University Press, 1993)

which was about to expire. But all their objections will be found to relate to matters of detail. On the great question of principle, on the question of whether the liberty of unlicensed printing is, on the whole, a blessing or a curse to society, not a word is said.<sup>8</sup>

Recent scholars have stressed the significance of intellectual figures in the abolition of licensing. Notably, in "The Renewal of the Licensing Act in 1693 and its Lapse in 1695," Raymond Astbury emphasizes the influence of John Locke in bringing about the demise of the Act.<sup>9</sup> Geoff Kemp goes further and proclaims that for the early modern mind, the end of licensing *was* liberty of the press.<sup>10</sup>

Most of the scholarship on the expiry of the Licensing Act understandably focuses on the 1690s. After all, it was in 1695 that the Act expired, and some of the most heated debates on press restrictions took place within these years. A broader focus on the trajectory of the Licensing Act shows us, however, that most of the intellectual arguments for the liberty of the press presented during these years had existed for decades. Furthermore, although the economic and pragmatic arguments against the Act were newly presented in the 1690s, they were already widely recognized. The Act's effectiveness relied on the restrictions imposed on the number of printers and presses, as well as the establishment of monopolies and the issuance of patents. These elements of the Act, which encountered intense criticism during its eventual downfall, played indispensable roles in fulfilling its intended objectives.

This thesis argues that the downfall of the Licensing Act in 1695 was primarily driven not by shifts in arguments but by transformations in the political economy and structure, facilitating a more favorable reception of existing arguments and information. The most

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<sup>8</sup> Ernest Sirluck. "Areopagitica and a Forgotten Licensing Controversy." *The Review of English Studies* 11, no. 43 (1960), p.260

<sup>9</sup> Raymond Astbury. "The Renewal of the Licensing Act in 1693 and its Lapse in 1695," *The Library* s5-XXXIII., no. 4 (1978)

<sup>10</sup> Geoff Kemp. "The 'End of Censorship' and the Politics of Toleration, from Locke to Sacheverell." *Parliamentary History*, no.31 (2012), p.53

significant changes in the political economy that altered the perception of press regulations were the shifting view of the king's authority to grant exclusive economic privileges and the establishment of public credit institutions after 1694. These institutions relied on the transparency of the government and freer and broader dissemination of reliable information. Consequently, the restraints imposed by the Licensing Act became more detrimental than advantageous.

The thesis will delve into the rich history of arguments supporting and opposing press restraints, tracing their origins back to John Milton's *Areopagitica* and Sir Roger L'Estrange's *Considerations and Proposals in Order to the Regulation of the Press*. The thesis will carefully examine the implementation and interpretation of the Licensing Act. It will shed light on the reasons behind its lapse in 1679, subsequent revival in 1685, renewal in 1693, and final expiry in 1695. The aim in doing so is to emphasize that the arguments put forth in 1695 were largely rooted in longstanding viewpoints. It will then explain how the changing landscape of the political economy and political structure created a conducive context for these arguments to be received favorably. By exploring these dynamics, this thesis aims to provide a comprehensive understanding of the factors that contributed to the ultimate decision to let the Licensing Act expire in 1695.

### **Milton and Licensing**

Prior to the Licensing Act, there had been numerous proclamations, ordinances, and decrees related to the regulation of printing dating back to 1557. Notably, the Star Chamber Decree of 1637 emerged as the true precedent for the Licensing Act.<sup>11</sup> This decree made it an

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<sup>11</sup> John Rushworth. "The Star Chamber on printing, 1637," in *Historical Collections of Private Passages of State: Volume 3, 1639-40*, (London: D Browne, 1721),p. 306

offense to print, import, or sell any seditious, schismatical, or offensive books or pamphlets. It also limited the number of master printers to twenty and specified the number of presses, journeymen, and apprentices printers could have. Further, the decree mandated that all printed materials were to be licensed and registered by the Stationers' Company. Reprinting without licensing and operating an unlicensed press or working for an unlicensed printer became punishable offenses.

It comes as no surprise, then, that one of the most renowned literary works opposing the licensing system predates the Licensing Act by a remarkable 18 years. John Milton's widely acclaimed *Areopagitica* bears the full title of *Areopagitica; A Speech for the Liberty of Unlicenc'd Printing, to the Parlement of England*. While *Areopagitica* is often misconstrued as a foundational text of modern liberalism, presenting unequivocal arguments against censorship, the impetus behind Milton's composition was actually rooted in a specific political context. In June 1643, the parliament passed an order titled *An Order of the Lords and Commons Assembled in Parliament For the Regulation of Printing*. This order re-established the system of pre-publication licensing and entry in the Stationers' register, which collapsed in 1641 due to the abolition of the Star Chamber. Further, on 28 December 1644, the Wardens of the Stationers' Company sent a report to the House of Lords complaining of the "frequent Printing of Scandalous Books by divers," citing Milton as a scandalous author.<sup>12</sup>

Though Milton would later become a licenser and searcher for seditious material and was against Catholic publication and toleration, as he considered them "open superstition, which as it extirpates all religions and civil supremacies, so it itself should be extirpated," many of Milton's

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<sup>12</sup> Jason McElligott, ed., *Censorship and the Press 1580-1720*, (London: Pickering & Chatto, 2009), vol. 2, p.83

complaints were echoed in the following decades during discussions and complaints surrounding the licensing system.<sup>13</sup>

In *Areopagitica*, Milton examined censorship throughout history and argued that pre-publication censorship did not exist until “the most Antichristian Council, and the most tyrannous Inquisition that ever inquir’d.”<sup>14</sup> He asserted that until then, “books were ever as freely admitted into the world as any other birth: the issue of the brain was no more stifled than the issue of the womb.”<sup>15</sup> Milton’s recognition of the Catholic Church as the architect of licensing resonated powerfully throughout the 17<sup>th</sup>-century discourse on the subject. To highlight the benefits of reading a wide variety of books, Milton provided biblical references to learned individuals such as Moses, Daniel, and Paul. He argued that to be a learned person, one must read books of all sorts, which included heretical works. According to Milton, God endowed people with reason, free will, and conscience to make their own judgments instead of expecting them to rely on a licensing authority. He emphasized that the arbitrary judgment of licensers would suppress authors with good intentions and harm the public by depriving them of useful works. The suppression of books would result in the “fall of learning.”<sup>16</sup> The discourse on licensing was as much about the right to learn as it was about the right to express, and this connection persisted throughout the existence of the Licensing Act.

Milton eloquently asserted that “though all the windes of doctrin were let loose to play upon the earth,” in a free and open encounter, the truth would inevitably triumph over

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<sup>13</sup> John Milton, “Areopagitica; a Speech of Mr. John Milton for the Liberty of Unlicens’d Printing, to the Parliament of England,” (London, 1644) in *Censorship and the Press 1580-1720*, vol.2, ed. Jason McElligott, (London: Pickering & Chatto, 2009,) p.122

<sup>14</sup> John Milton, “Areopagitica,” p.100

<sup>15</sup> Ibid.

<sup>16</sup> Ibid., p.105

falsehood.<sup>17</sup> This profound idea exemplified a universal appeal to the liberty of the press: under proper and uncensored circumstances, truth would invariably prevail. Consequently, attempts to suppress harmful ideas in the press through licensing were rendered unnecessary and futile. Milton, further elaborating on the ineffectiveness of licensing, argued that it would conduce "nothing to the end for which it was fram'd."<sup>18</sup> He astutely pointed out that if the goal of regulating print is to rectify manners, then "we must regulate all recreations and pastimes, all that is delightful to man."<sup>19</sup> The idea that licensing failed to accomplish its intended outcome became a cornerstone of the dialogue on licensing.

Finally, he proposed that no "book be Printed unless the Printers and the Authors' name, or at least the Printers be registered."<sup>20</sup> According to his suggestion, if a book was deemed harmful or dangerous, the author could be held accountable after its publication. This approach to handling dangerous print was embraced by the majority of anti-licensing advocates in the 17th-century discourse on licensing. Overall, *Areopagitica* served as the template for most of the 17th-century anti-licensing arguments in England.

### **The Licensing Act in 1662**

Once the Restoration became an accomplished fact, the Acts that had been in effect during the Interregnum period, including those related to the regulation of the press, became void. Without government intervention, the state of the press was chaotic, with royalist, republican, and unorthodox religious pamphlets proliferating unchecked. Regaining control over the press became a pressing matter for the government. Initially, Charles II attempted to suppress

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<sup>17</sup> Ibid., p.121

<sup>18</sup> Ibid., p.105

<sup>19</sup> Ibid., p.106

<sup>20</sup> Ibid., p.124

the press through the exercise of royal prerogative. However, it soon became evident that, in the absence of the Star Chamber, relying solely on royal prerogative was inadequate to effectively regulate the press and control the dissemination of objectionable material. Amidst these challenges for the government, the Licensing Act received royal assent in 1662 to strengthen press regulations.

The Licensing Act had the official title "The Act for Preventing the Frequent Abuses in Printing Seditious Treasonable and Unlicensed Books and Pamphlets, and for Regulating of Printing and Printing-Presses."<sup>21</sup> Contemporaries often called it the Printing Act. The differences in titles reflect the multiple intentions of the Act, which included state control over the press, the regulation of printing, and maintaining the uneasy cooperation between the state and the Stationers' Company. Since its incorporation in 1557, the Stationers' Company enjoyed significant control over the English book trade.

The Licensing Act declared it unlawful to establish printing presses outside of London, York, and the two universities. The right of the universities to print, on various occasions, caused friction between them and the Stationers' Company. The Act imposed restrictions on the number of master printers, journeymen, and apprentices. Importing books was only permitted through the port of London, and even then, it was subject to the control of the Stationers and licensers. These provisions strengthened the Stationers' Company's position and further solidified its near monopoly on printing. Additionally, the Act made it illegal to print any books or pamphlets unless they had been licensed by a licenser and registered with the Stationers' Company. However, books published under printing patents granted by royal prerogative were exempt from

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<sup>21</sup> 14 Car. II, c. 33

the licensing requirements. The Act also recognized the company's charter and granted it the authority to seize unauthorized editions of published works.

Books and pamphlets were categorized into different licensing categories. Common Law books were licensed by the Lord Chancellor, Chief Justices of the Common Pleas or King's Bench, or the Chief Baron of the Exchequer. Books that dealt with the history or affairs of the state were licensed by the principal secretaries of state or their representatives. Works on heraldry required licensing by the Earl Marshal or an appointee. For all other books concerning religion, medicine, philosophy, or any other science or art, licensing was granted by the Archbishop of Canterbury or Bishop of London or their appointed representatives.<sup>22</sup> The Royal Society had the right to license its own works and from 1687 onward, the College of Physicians joined it.<sup>23</sup>

Finding and punishing unlicensed printers and publishers, as well as restricting imports, however, were not executed with the same level of thoroughness as mandated by the law. Licensers were not compensated for licensing and frequently failed to read the entirety of each submission. Licensor Edmund Bohun expressed his frustration of being compelled to read “six or eight hours in a day” just to keep up.<sup>24</sup> D. F. McKenzie, who in 1974 examined 458 of the 491 items then known to have been printed in 1668, found that only fifty-two of them bore any form of the license required by the Act.<sup>25</sup> The same year, the Stationers’ register had 52 books with licenses, suggesting that the Company allowed the entry of unlicensed works in their register.

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<sup>22</sup> N. M. Dawson. "The death throes of the Licensing Act and the 'funeral pomp' of Queen Mary II, 1695." *The Journal of Legal History*, 26.2 (2005), p.127

<sup>23</sup> Adrian Johns, *The Nature of the Book: Print and Knowledge in the Making*. (Chicago: University of Chicago Press, 1998), p.239

<sup>24</sup> Adrian Johns, *The Nature of the Book*, p.239

<sup>25</sup> Michael Treadwell, "The Stationers and the Printing Acts at the End of the Seventeenth Century," , p.766

Even in Royalist Oxford, fewer than half the items were licensed.<sup>26</sup> The state's objective with the licensing system, then, was never to enforce licensing on all books; it was to use the common failure to obtain a license as a weapon against publications to which it objected on other grounds.<sup>27</sup>

The Licensing Act had confirmed the rights of masters and wardens of the Stationers' Company to search for libels, given they had warrants from one of the secretaries of the state. Extreme royalist Sir Roger L'Estrange thought this to be a mistake. Entrusting the regulation of the press to the people belonging to that trade was simply a conflict of interest. In his famous *Considerations and Proposals in Order to the Regulation of the Press*, L'Estrange listed seven reasons why "The stationers are not to be entrusted with the care of the press" and two more reasons, including the other seven that apply to a lesser extent, why "the printers are not to be entrusted with the government of the press."<sup>28</sup> Instead, he favored the appointment of six Surveyors of the Press. L'Estrange provided evidence to support his claims against the company. Despite the large amount of seditious literature that had been published after the Restoration, L'Estrange was able to point out in 1663 that not one bookseller had been fined, and only one had been prosecuted.<sup>29</sup> The uncertainty surrounding the loyalty of the members of the company of Stationers remained a notable challenge for controlling the press.

The conflict of interest extended even within the company itself. By 1660, a division had emerged between the printers and the booksellers, with each group accusing the other of the circulation of libels. The booksellers favored having numerous printers to reduce production

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<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Roger L'Estrange, "Considerations and Proposal in Order to the Regulation of the Press," (London: printed by A. C., 3 June 1663) in *Censorship and the Press 1580-1720*, vol.3, ed. Geoff Kemp., (London: Pickering & Chatto, 2009,) p. 43-45

<sup>29</sup> Roger L'Estrange, "Considerations and Proposal in Order to the Regulation of the Press," p.43

costs, while the printers sought to limit the number of printers for the opposite reason. In 1663, the printers went as far as petitioning the king to grant them independence from the Stationers' Company. They argued that only incorporation could adequately motivate the printers to expose dangerous publications and claimed that the Stationers primarily focused on discovering copyright infringement rather than heretical or seditious printing. Implicitly, their appeal to the king contained a veiled threat, essentially conveying the message: "Give us a printing monopoly...and we shall no longer be under the necessity of earning bread by printing treason."<sup>30</sup>

This new corporation would, of course, be against the interests of the booksellers, and the Printers' Company was never incorporated. Yet, it is a telling story of the relationship between the Stationers' Company and the government. On the one hand, the government relied on the members of the Stationers' Company to regulate the press. On the other hand, it was the printers and booksellers who were responsible for the spread of seditious information. One of the key objectives of the Licensing Act, then, was to secure the support of the Stationers' Company by providing them privileges and monopolies. Limiting the number of printers and granting them a monopoly on printing as well as imposing strict import restrictions, aimed to slow down the dissemination of seditious materials while appeasing the company. Additionally, by granting the Stationers' Company the right to search and seize seditious and unlicensed material, the government sought to placate the company and use their knowledge in the book trade. The main interest of the booksellers, however, was not to catch seditious or heretical works but to make sure their various registered works were not printed by others.

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<sup>30</sup> J. Walker, "The Censorship of the Press During the Reign of Charles II." *History* 35, no. 125 (1950), p.223

An important development for the implementation of the Licensing Act from its main precedent, the Star Chamber decree of 1637, was the introduction of a new office called the Surveyor of the Press. Frustrated by the Company of Stationers' lack of cooperation in apprehending libelers and uncertain of their allegiance, the government decided to create a new office to regulate the press. In recognition of his *Considerations*, Roger L'Estrange was appointed surveyor and licenser for life. The authority of the surveyor, like that of the licenser, remained ambiguous. L'Estrange had to rely heavily on his informants within the book trade to identify unlicensed printers and authors who disseminated anti government propaganda. He pursued this task relentlessly, earning the epithet *the Bloodhound of the Press*.

Given L'Estrange's prominent position as a licenser and surveyor of the press during most of the period of the Licensing Act, his ideas in *Considerations* offer invaluable insight into the intended functions of the Act. The penalties he saw fit for printing "Blasphemy, Heresie, Schism, Treason, Sedition, Scandal, or Contempt of Authority" were "Death, Mutilation, Imprisonment, Banishment, Corporal Peyns, Disgrace, Pecuniary Mulcts."<sup>31</sup> The penalty had to be in proportion to the malice. He argued that authors bore the primary responsibility, describing them as "the Fountain of our Troubles."<sup>32</sup> This was certainly a sentiment held by many government officials. Justice Scroggs, during the trial of Henry Care in 1680, declared that "...one author found is better than twenty printers found."<sup>33</sup> Without the establishment of appropriate financial incentives, however, many authors simply chose not to imprint their names and make themselves easier targets for accusations of libel, heresy, and treason. Furthermore, the majority of the seditious works took the form of swiftly produced pamphlets that often revolved

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<sup>31</sup> Roger L'Estrange, "Considerations," p.48

<sup>32</sup> Ibid.

<sup>33</sup> Timothy Crist. "Government Control of the Press After the Expiration of the Printing Act in 1679." *Publishing History* 5, (1979), p.61

around contemporary events. Given the pressing nature of time, even authors who produced non-controversial works were unwilling to undergo the burdensome process of obtaining licenses.

The best targets after authors were printers and publishers. “One great Evil is the *Multiplicity of Private Presses, and Consequently of Printers, who for want of Publique, and warrantable Employment, are forc'd either to play the Knaves in Corners, or to want Bread... The Remedy is to reduce all Printers, and Presses, that are now in Employment, to a Limited Number; and then to provide against Private Printing for the time to come.*”<sup>34</sup> The underlying objective behind these measures was to exercise control over the dissemination of information and, consequently, restrict the spread of seditious content. With this objective, the Licensing Act had considerable success. No printing presses were built in England outside London, Oxford, Cambridge, and York until the expiry of the Act in 1695. These restrictions would later be used as arguments against the Licensing Act, but during its foundation, they were seen as natural means to stop the spread of dangerous ideas.

The Licensing Act was initially intended to be in effect for two years. However, as its replacement bill failed to make progress, the Licensing Act received assent on 17 May 1663 to continue until the end of the next session of parliament. On 2 March 1665, the Act was further extended to the last day of the following session, which concluded on 31 October 1665. On that day, the Act was renewed not only for a single session but until the last day of the next parliament. That parliamentary session did not begin until 6 March 1679.<sup>35</sup>

### **The Popish Plot, Exclusion Crisis, and the Expiry of the Licensing Act in 1679**

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<sup>34</sup> Roger L'Estrange, “Considerations,” p.29

<sup>35</sup> Michael Treadwell, “The Stationers and the Printing Acts at the End of the Seventeenth Century,” p.760

The press during Charles II's reign was relatively stable until the Popish Plot and the subsequent Exclusion Crisis. In short, the Popish Plot was a fictitious conspiracy invented by Titus Oates that, between 1678 and 1681, engulfed the Kingdoms of England and Scotland in anti-Catholic fervor. Oates alleged that there was an extensive Jesuit conspiracy to assassinate Charles II, replace him with his Catholic brother, the Duke of York, and massacre the English Protestants. Three Exclusion bills sought to exclude the king's brother and heir presumptive, James, Duke of York, from the thrones of England, Scotland, and Ireland because he was Roman Catholic. None became law.

This turbulent period was marked by a staunch increase in political pamphleteering and the overall proliferation of the press. The expiry of the Licensing Act in 1679 played a significant role in the chaotic press that marked this era. Contemporaries agreed so. Anthony Wood attributed this sudden increase in publications to "the act about licensing and printing of pamphlets being terminated by the last session of parliament."<sup>36</sup>

Why, then, did the Licensing Act expire in 1679? The first Exclusion Parliament centered around the prosecution of the Popish Plot and the exclusion of James. No bill for extending the Licensing Act was proposed despite the Lord Chancellor's speech at the beginning of the parliament on 6 March 1679 calling for "some better remedy for regulating the press" and claiming "certainly it were much better for us to make such laws as will prevent offenses, rather than such as serve only to punish the offenders."<sup>37</sup> However, realizing that the Licensing Act would be used against their interests, as the opposition press was their primary way of gathering public support for the exclusion of James, the Whigs refused to renew the Act. Far from it, they legislated the Habeas Corpus Act, perhaps the only significant legislation from the first

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<sup>36</sup> Timothy Crist, "Government Control of the Press," p. 51

<sup>37</sup> *Ibid.*, p.49

Exclusion Parliament. The purpose of the Habeas Corpus Act was to protect individuals from arbitrary arrest and detention by ensuring that a detained person could challenge the lawfulness of their imprisonment before a court. Consequently, many opposition printers could print without fear of arbitrary detention and harassment from the government.

In April 1679, Charles Blount wrote *A Just Vindication of Learning: or An Humble Address to the High Court of Parliament in Behalf of the Liberty of the Press* with the intention of influencing the consideration of the renewal of the Licensing Act, whose expiry was raised in Commons on 2 April 1679.<sup>38</sup> Parliament was prorogued on 27 May without the Act being renewed, leading to the expiry of the Act. It is unclear how influential Blount's arguments were in this instance. In all likelihood, the Act would have expired without *A Just Vindication of Learning*, but it is an exemplary work on the ongoing dialogue on the liberty of the press. It is also helpful to go over some of its arguments as they would later echo as opposition to licensing during the final lapse of the Licensing Act in 1695. It was reprinted in 1695 and was part of Blount's *Miscellaneous Works* in the same year.

Blount provided nine arguments against licensing, many of which were borrowed from Milton. Just like Milton, Blount pointed to the Catholic Church as the originator of licensing, calling the imprimatur "an old relique of Popery."<sup>39</sup> At the height of the Popish Plot, the association of Catholics and licensing struck a chord among the readers. Just like Milton, he associated licensing with an attack on conscience and argued that it was the "greatest Affront and Discouragement that can be offer'd to Learning and Learned men."<sup>40</sup> He emphasized the

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<sup>38</sup> *Journal of the House of Commons*, vol. 9, (London, 1802), *British History Online*, p.582

<sup>39</sup> Charles Blount, "A Just Vindication of Learning; or, An Humble Address to the High Court of Parliament in Behalf of the Liberty of the Press, by Philopatris" (London, 1679) in *Censorship and the Press 1580-1720*. vol 3., ed. Geoff Kemp, (London: Pickering & Chatto, 2009), p.206

<sup>40</sup> Charles Blount, "A Just Vindication of Learning," p.208

possibility that a great book written by a deceased author which had not received much attention could be lost forever if it did not humor its licenser.<sup>41</sup> Blount posited that if governed by an evil prince, the licenser, who is financially supported by the said prince, would authorize the publication of books that opposed the interests of the subjects and defame public-spirited individuals. Conversely, books advocating for the liberty and property of the subject would be prohibited. This was a cautionary and prophetic warning for the reign of James II. It correctly anticipated a scenario where Catholic and absolutist literature would be licensed while critical works challenging despotism and Catholicism would be banned. Blount concluded his tract by proposing to the parliament that, if the Licensing Act were to be retained, books without licenses could still be printed on the condition that they displayed the names of their printers and authors.<sup>42</sup> However, if any of these works were subsequently deemed libelous, the authors and printers would be held accountable and subject to punishment.

Before the end of the parliamentary session in 1679, faced with the uncertainty of a press without the Licensing Act, L'Estrange proposed the formation of a new livery company consisting only of master printers separate from the Stationers' Company dominated by booksellers and bookbinders.<sup>43</sup> He believed that printers were good searchers and were less tempted by profit to excuse libels than the publishers. This new company would be able to self-police and provide control over print prior to publication, similar to the Licensing Act. In June 1679, over twenty printers offered to serve the king by incorporating themselves, but the project ultimately failed.<sup>44</sup>

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<sup>41</sup> Ibid., p.209

<sup>42</sup> Ibid., p.214-215

<sup>43</sup> Cyprian Blagden. *The Stationers' Company A History, 1403-1959*. (Stanford: Stanford University Press, 1960), p.151

<sup>44</sup> Timothy Crist, "Government Control of the Press," p. 51

With the expiry of the Licensing Act on 10 June 1679, government control of the press entered a new phase. Without the new self-policing Company of Printers and the Licensing Act enabling the government to restrict the number of printers and to search printing houses for work in progress, the authorities were hampered in their attempts to regulate the output of the press. By March 1681, there were twenty three titles in the press, many of which, like Henry Care's *The Weekly Pacquet of Advice from Rome: or, The History of Popery*, were filled with anti-Catholic fervor and were supportive of the exclusion.<sup>45</sup>

When Charles dismissed the parliament in 1681, L'Estrange charged the counter-offensive in the press with his newspaper, *The Observator*. The first edition of *The Observator* began with the famous lines: "Tis the press that has made 'um Mad, and the Press must set um Right again."<sup>46</sup> This was a pivotal breaking point for the government's relationship with the press. Without the Licensing Act, the government was unable to keep the news away from the public, but it could still influence how it would be interpreted. As the tide of politics turned, mercuries loyal to Charles II increased in number, and conspiracy-mongering changed sides.<sup>47</sup> Though Charles II was able to overcome the opposition press with proclamations, trials, and government propaganda, he simply had no incentive to let it run free. By August 1684, there were only four periodicals — the *Bill of Mortality*, the *London Gazette*, *Philosophical Transactions*, and the *Observator*.<sup>48</sup> Relatedly, after the Licensing Act expired in 1695,

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<sup>45</sup> D. F. McKenzie, "Printing and publishing 1557-1700: constraints on the London book trades" In *The Cambridge History of the Book in Britain*, vol.4, 1557-1695, eds. John Barnard and D. F. Mckenzie. (Cambridge: University Press, 2002,) p.563

<sup>46</sup> Roger L'Estrange, "Observator in Question and Answer, 1" (London: H. Brome, 13 April 1681), in *Censorship and the Press 1580-1720*, vol.3, ed. Geoff Kemp, (London: Pickering & Chatto, 2009), p.237

<sup>47</sup> Carolyn Nelson and Matthew Seccombe, "The Creation of the Periodical Press 1620-1695" In *The Cambridge History of the Book in Britain 1557-1695*, vol.4 , eds. John Barnard and D. F. Mckenzie, (Cambridge: Cambridge University Press, 2002,) p.546

<sup>48</sup> Carolyn Nelson and Matthew Seccombe, "The Creation of the Periodical Press 1620-1695," p.547

government control over the press eventually turned from pre-publication censorship to government propaganda and strategic post-publication punishment through Robert Harley's initiative and Daniel Defoe's pen.<sup>49</sup> This new management of the press was instrumental for the survival of the unrestrained press following the fall of the Whig Junto. Certainly, the lapse of the Licensing Act in 1679 and the propaganda of L'Estrange through *The Observator* provided a blueprint for Robert Harley and Defoe's *The Review*.

In 1684, during his campaign to build up his backing within parliament, Charles II demanded the surrender of borough charters, and in the new charters inserted clauses that ensured the loyalty of those who elected members of the parliament. Subsequently, he shifted his focus to the London corporations, whose liverymen comprised the electoral body of the city. In March and April 1684, quo warranto proceedings were instituted, and most companies surrendered their charters and petitioned for new grants.<sup>50</sup> Though not certain, it seems that the Stationers' Company was the first company to obtain a new charter.<sup>51</sup>

The 1684 charter had some significant differences from the previous one. It had a provision for ensuring that the governing body of the company would be loyal to the sovereign.<sup>52</sup> To ensure this loyalty, the Master, Wardens, and twenty seven assistants of the company had to be approved by the Court of Aldermen.<sup>53</sup> In return for such excessive control, the company was offered near complete control over the book trade. No one was to bind or sell books in London and Westminster unless he was a member of the company, and royal approval was given to the

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<sup>49</sup> Geoff Kemp, "The "End of Censorship" and the Politics of Toleration, from Locke to Sacheverell," p.48 ;J. A. Downie, *Robert Harley and the Press: Propaganda and Public Opinion in the Age of Swift and Defoe*. (Cambridge; New York: Cambridge University Press, 1979)

<sup>50</sup> Cyprian Blagden. *The Stationers' Company A History*, p.166

<sup>51</sup> Ibid.

<sup>52</sup> Ibid., p.169

<sup>53</sup> Ibid.

“publick Register.”<sup>54</sup> It was laid down that any member of the company who became the proprietor of a book had the enjoyment of it, provided he entered it in the company register.<sup>55</sup>

This charter would be short-lived. In 1688, James II, seeking to demonstrate goodwill to the people, revoked the quo warranto charters. The Stationers’ Company initially protested, but an Act of Parliament on May 20 1690 reversed the quo warranto charters for good. Although the 1684 charter had a brief existence, its influence on the loyalty of the company to James II was profound. This, in turn, played a significant role in granting James II excessive control over the press, leading to a strong association between licensing and Catholicism in the eyes of many.

### **James II and Reintroducing the Licensing Act**

Due to the quo warranto proceedings, new charters for the boroughs, and the Rye House Plot in 1683, James II’s first and only parliament, which commenced on the 19<sup>th</sup> of May 1685, was known as the Loyal Parliament. There were only 57 Whigs in the new House of Commons. Four years before, they had held a majority. With his Loyal Parliament, James II had no trouble reviving the Licensing Act in 1685. Having experienced the chaotic press of the Exclusion Crisis and knowing the existence of a formidable opposition to his rule, James II took no chances with the press. The suppression of the Argyle and Monmouth rebellions received no attention in any periodical other than the official papers.<sup>56</sup> No private newspaper, no matter how loyal, survived for long.

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<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Carolyn Nelson and Matthew Seccombe, “The Creation of the Periodical Press 1620-1695,” p.547

James II's excessive control over the press, coupled with his adherence to Catholicism, more than anything else, contributed to the perception of the Licensing Act as a tool of oppression and an extension of Catholic influence among the English population. James was eager to promote Catholic apologetic tracts and silence all opposition views. For example, in September 1686, the Stationers Company seized all of the copies they could find of *Episcopalia*, a book of letters that outlined important differences between the Church of England and the Church of Rome. The printer and bookbinder were later arrested.<sup>57</sup> Meanwhile, James put in much effort to make sure Catholic writings were widely available. The king's printer, the recent Catholic convert Henry Hills, printed and translated a variety of French Catholic works.<sup>58</sup> James supported King Louis XIV's revocation of the Edict of Nantes. The subsequent massacre of the Huguenots sent shockwaves across Protestant Europe, but received no attention from England's official newspaper, the *London Gazette*. James even ordered Jean Claude's *Account of the Persecutions and Oppressions of the Protestants of France* to be publicly burned as an infamous libel.<sup>59</sup> In October 1687, he ordered the *Book of Manual Prayers* to be given to all soldiers of the Roman Religion, and there were 10,000 printed.<sup>60</sup>

These actions reinforced the connection in the public's mind between James II, Catholicism, oppression, and the control of the press. This connection becomes particularly apparent when examining the events of 11 December 1688, during which a furious mob, targeting centers of Catholicism in London, set ablaze the residence of Henry Hills, the printer of King James II.<sup>61</sup>

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<sup>57</sup> Steven C. A. Pincus, *1688: The First Modern Revolution*. (New Haven: Yale University Press, 2009), p.171

<sup>58</sup> Steven C. A. Pincus, *1688: The First Modern Revolution*, p.129

<sup>59</sup> *Ibid.*, p. 137

<sup>60</sup> D.F. McKenzie and Maureen Bell. *A Chronology and Calendar of Documents Relating to the London Book Trade, 1641-1700*. vol.3, (New York: Oxford University Press, 2005), p.32

<sup>61</sup> Adrian Johns, *The Nature of the Book*, p.148

### Liberty of the Press after the Revolution

When William was crowned King, it was not at all apparent how much the landscape of printing freedoms would change during his reign. Though he was heralded as a liberator against an authoritarian and Catholic tyrant by many, there was no sign at all that he was committed to the idea of liberty of the press. Throughout his reign, he issued various proclamations aimed at suppressing Jacobite libels within the press. The Bill of Rights in 1689 contained no mention of the liberty of the press. As Prince of Orange, accusing William of aspiring to sovereignty in Holland was a capital offense.<sup>62</sup>

Though William made no declarations or promises about liberating the press, there were still signs that the press could gain more liberties. One important signpost for the advancement of the liberty of the press was the Act of Toleration. As a result of this Act, people gained more leeway to write works that deviated from Church doctrine. The Church was horrified, and their licensing rights remained an important stronghold for the preservation of Anglicanism. In 1689, Spinoza's *Tractatus Theologico-Politicus* was published for the first time in English. The translated title illustrates the translator's preoccupation with free speech. *A Treatise Partly Theological, and Partly Political, containing some Few Discourses, to Prove that the Liberty of Philosophizing (that is Making Use of Natural Reason) may be Allow'd without any Prejudice to Piety, or to the Peace of any Commonwealth, and that the Loss of Public Peace and Religion it self must Necessarily Follow, where such a Liberty of Reasoning is Taken Away.* In this work,

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<sup>62</sup> Raymond Astbury, "The Renewal of the Licensing Act in 1693 and its Lapse in 1695," p .306

Spinoza famously asserted that “In a Free Commonwealth, it should be lawful for every Man to think what he will, and speak what he thinks.”<sup>63</sup>

An intellectual who promoted the liberty of the press and of ending the Licensing Act of this period was Edmund Hicckeringhill, an energetic pamphleteer and a controversial churchman. In January 1689, Hicckeringhill wrote *A Speech Without Doors*, addressed to the 1689 Convention. One chapter of this tract was *Of the Restraint of the Printing-Press*. In many ways, his arguments echoed Blount and Milton. Just like Milton, his speech did not have an imprimatur. Like Blount and Milton, Hicckeringhill wrote about the harms of licensing to learning and that licensing did not prevent the spread of harmful ideas “because by Experience tis found it never did.”<sup>64</sup> Just like Blount and Milton, he proposed that printing the names of authors on books and fining the ones who did not do so, and punishing libelous print post-publication, would prove to be a more effective way of controlling seditious print than licensing. What truly separated him from the rest was his argument that licensing prevented people from their right to work: “But it is against the Common Law to take away, or Obstruct any Mans Trade or Birthright (as Printing to many Men) when the Publick, the State and the Church, and every private Man’s reputation may be better and sufficiently Ensured by other Ways?”<sup>65</sup> This argument was among the first to challenge the restraints on the press primarily based on pragmatic and economic considerations. As we shall see, this type of argumentation allowed politicians to argue against the restraints upon the press more easily.

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<sup>63</sup> Benedict Spinoza, “Treatise Partly Theological, and Partly Political, containing some Few Discourses, to Prove that the Liberty of Philosophizing (that is Making Use of Natural Reason) may be Allow’d without any Prejudice to Piety, or to the Peace of any Commonwealth, and that the Loss of Public Peace and Religion it self must Necessarily Follow, where such a Liberty of Reasoning is Taken Away,” (London, 1689) in *Censorship and the Press 1580-1720*, vol.3, ed. Geoff Kemp, (London: Pickering & Chatto, 2009), p. 333

<sup>64</sup> Edmund Hicckeringhill, “Of the Restraint of the Printing-Press,” (London: printed by George Larkin, at the Two Swans without Bishopgate, 17 January 1689) in *Censorship and the Press 1580-1720*, vol.3, ed. Geoff Kemp, (London: Pickering & Chatto, 2009,) p. 341

<sup>65</sup> Edmund Hicckeringhill, “Of the Restraint of the Printing-Press,” p.342-343

James II's reign was proof for the Whigs of how the licensing system could be abused in the wrong hands. The arbitrariness of the licensers persisted during the reign of William III and became too large to ignore. Tory politicians criticized the Whig licenser James Fraser for licensing many overtly Whig books, including Locke's *Two Treatises on Government* in 1689. Fraser's fall came for licensing Anthony Walker's *A true account of a book entituled Eikon Basilike*, which deeply offended the Tories.<sup>66</sup> Edmund Bohun replaced Fraser as the licenser of the press on September 7, 1692—a position he kept for less than a year. Bohun was a controversial choice as licenser given his Tory and High Church associations. He had criticized his Whig predecessor James Fraser as “a Scot by nation and inclination” who allowed the reprinting of traitorous books of the 1640s and against divine right.<sup>67</sup> When the licensers themselves accused each other of being faulty or ignorant, it became hard to argue against the premise that ignorant licensers might deprive the public of excellent books.

As a licenser, Bohun was naturally in support of the Licensing Act. In December 1692 or January 1693, Bohun wrote *Reasons for Reviving and Continuing the Act for the Regulation of Printing*. He argued that the only instances when print was not restrained coincided with times of chaos. Calamities, between about 1640 and 1660, were promoted by a “Lawless Liberty of the Presse...without it could neither have been carried so high, spread soe farr or continued soe Long.”<sup>68</sup> Similarly, when the Commonwealth ceased to use a licenser of the press in 1658/59, it broke the Babel of their foundation.<sup>69</sup> When the Licensing Act expired in 1679, the liberty of the press cost many lives and ruined many families, as well as exasperating contending parties

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<sup>66</sup> Raymond Astbury, “The Renewal of the Licensing Act in 1693 and its Lapse in 1695,” p.298

<sup>67</sup> Geoff Kemp, ed., *Censorship and the Press, 1580-1720*, vol.3, (London: Pickering & Chatto, 2009), p. 348

<sup>68</sup> Edmund Bohun, “Reasons for Reviving the Act for Regulating the Press & Printing,” (December 1692-January 1693) in *Censorship and the Press 1580-1720*, vol.3, ed. Geoff Kemp, (London: Pickering & Chatto, 2009), p. 357

<sup>69</sup> Edmund Bohun, *Reasons for Reviving the Act*, p. 358

against one another. Now, at a time when England was more fragmented than ever, and there was the threat of invasion from abroad and insurrection at home, not renewing the Licensing Act would prove to be ruinous.<sup>70</sup>

Bohun also responded to some objections against the renewal of the Act. One of the chief objections against licensing was the idea that common law would suffice to punish seditious and traitorous papers after publication. Once published, however, they would “have done a great part of the Mischief intended by them” before the perpetrators could be punished.<sup>71</sup> He also responded to the argument that licensers were arbitrary mercenaries. Without licensers, it would be up to the printers and the booksellers to judge what should be printed and sold. They were undoubtedly more ignorant than the licensers and, consequently, no judges of what was fit to be printed. Further, they would likely plead ignorance in instances when they published works that caused damage to the government or the Church, making it even harder to suppress objectionable works.<sup>72</sup>

Apparently, Bohun was not a great judge of what ought to be published. He was dismissed from being a licenser by the order of parliament for licensing Charles Blount’s *King William and Queen Mary, Conquerors*. In this treatise, Blount argued that William’s right to rule stemmed from the ancient right of conquest, making England a conquered and arguably enslaved nation. This position was starkly against the main Whig ideology. On January 24, 1693, the Lords came to the resolution that “the assertion of King William and Queen Mary’s being King and Queen by conquest, was highly injurious to their Majesties, and inconsistent with the principles on which this government is founded, and tending to the subversion of the rights of the

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<sup>70</sup> Ibid.

<sup>71</sup> Ibid., p.359

<sup>72</sup> Ibid., p. 359

people” and the Commons unanimously agreed with the Lords the next day.<sup>73</sup> Both Commons and Lords asked the king to remove Bohun from his office and ordered *King William and Queen Mary, Conquerors* to be burned by the common hangman. It would be one thing if the licensing system had failed to do its job and let Blount’s tract be printed without a license, but this was not the case — Blount was licensed by Bohun himself. The ordeal was an absolute scandal.

In response to the fiasco of Bohun, another adaptation of Milton’s *Areopagitica* entitled *Reasons Reasons Humbly Offered for the Liberty of Unlicens’d Printing*, originally published on January 17, 1693, added the post-script *To which Subjoin’d The Just and True Character of Edmund Bohun*. Once again, the tract deviated little from Milton. It was even signed as “Your most humble Servant J. M.”<sup>74</sup> It attacked licensing as a Catholic invention enforced by “Ignorant, Imperious, and Remiss, or basely Mercenary licensers” that prevented learning and harmed Christianity.<sup>75</sup> It proposed authors’ names be imprinted on books, and argued that the common law would provide adequate punishment for harmful works. Its main deviation from Milton was that it used contemporary references about the abuses of the licensing system and the absurdity of someone like Bohun being a licenser by quoting Bohun’s works that allegedly went against revolutionary principles.

### **Renewal of the Licensing Act in 1693**

The renewal bill for the Licensing Act was presented to the Commons on February 3, 1693. Two weeks later, on February 17, a petition was presented by Richard Hopkins on behalf

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<sup>73</sup> Great Britain. Parliament. *A collection of the parliamentary debates in England, from the year M,DC,LXVIII. to the present time. ...*, Vol. 2. (Dublin: printed. London: reprinted, and sold by John Torbuck, 1739-42), p.359-60

<sup>74</sup> “Reasons Humbly Offered for the Liberty of Unlicens’d Printing. To Which is Subjoin’d, The Just and True Character of Edmund Bohun, the Licenser of the Press” (London, c. 24 January 1693), in *Censorship and the Press 1580-1720*, ed. Geoff Kemp, vol. 3, p.371

<sup>75</sup> “Reasons Humbly Offered for the Liberty of Unlicens’d Printing,” p.369

of independent printers, booksellers, and bookbinders — entitled *Reasons Humbly Offered to be Considered before the Act for Printing to be Renewed (unless with Alterations) viz. for Freedom of Trade in Lawful Books, and setting Severe Penalties on Scandalous and Seditious Books against the Government*. (*Reasons Humbly Offered to be Considered* from now on.) In contrast to earlier works that predominantly appealed to Miltonian ideals of liberty of conscience or the interplay between Christianity and the unlicensed press, *Reasons Humbly Offered to be Considered* adopted a distinct approach by focusing primarily on pragmatic and economic considerations. The pamphlet presented a dual-pronged argument, emphasizing the advantages that both workers in the printing business and England as a whole would benefit through the cessation of printing restraints while highlighting the specific harms inflicted by the Company of Stationers.

Since the Licensing Act restrained the number of printing presses and printers, “the greatest part of the Printing-trade was carried hence into Holland.”<sup>76</sup> If printing manufacture were as free as other trades, “it would employ above double the number of Printers that are in *England*, and that on Lawful Work too.”<sup>77</sup> With such numbers, the English book trade would get more competitive prices and higher quality of work. As a result, printing would become a manufacturing export “whereby the King’s Customs would be advanced by Paper imported and Books exported.”<sup>78</sup> Since many books were prohibited due to the patents held by some members of the Company of Stationers, they were imported by stealth, causing the king to be defrauded in his customs.

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<sup>76</sup> “Reasons Humbly Offered to be Considered before the Act for Printing be Renewed (unless with Alterations) viz. for Freedom of Trade in Lawful Books, and setting Severe Penalties on Scandalous and Seditious Books against the Government,” (London, December 1692-January 1693) in *Censorship and the Press 1580-1720*, vol. 3, ed. Geoff Kemp, (London: Pickering & Chatto, 2009), p.353

<sup>77</sup> “Reasons Humbly Offered to be Considered before the Act for Printing be Renewed,” p.353

<sup>78</sup> *Ibid.*, p.355

The pamphlet listed other abuses by the Company of Stationers and underscored their illegitimate monopoly. One of their reprehensible practices involved exploiting the provisions of the Act solely for their financial advantage. They abused their patents and artificially inflated the prices of their books to unreasonable levels. The company also employed discouraging tactics, dissuading authors from editing ancient works that fall under their patents unless these authors paid them exorbitant premiums. Furthermore, several proprietors who have acquired licenses and registered their entries for multiple books discover that their records no longer exist within the company's register, consequently getting rendered to penalties.<sup>79</sup> In certain instances, patent holders seized unlicensed books, subsequently reselling them for personal gain. None of these practices were necessarily new, and many members of the parliament were surely aware of them. Nevertheless, these arguments were impactful, many of which were repeated by the Commons when it refused to renew the Act in 1695. It is worth noting here that an in-depth analysis of the changes in the political economy, which facilitated the favorable reception of these arguments, will be presented in the section titled “Changes in Political Economy.”

Naturally, such claims provoked responses from pro-licensing figures. James Harrington’s *Reasons for Reviving and Continuing the Act for the Regulation of Printing*, for example, attempted to refute many points in *Reasons Humbly Offered to be Considered*.<sup>80</sup> Harrington claimed that English printers should be thankful for the limitations on printers, as they are much better paid than those in Holland.<sup>81</sup> He emphasized that the books seized by the company were mostly pirated. He also argued that expiring the Licensing Act would only benefit

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<sup>79</sup> Ibid.

<sup>80</sup> James Harrington, “Reasons for Reviving and Continuing the Act for the Regulation for Printing,” (London, January 1693), in *Censorship and the Press 1580-1720*, vol.3, ed. Geoff Kemp, (London: Pickering & Chatto, 2009), p.361

<sup>81</sup> James Harrington, “Reasons for Reviving and Continuing the Act for the Regulation for Printing,” p.363

the Dutch printing businesses at the expense of the English printers. Without the limitations on imports, the Dutch prints would flood into England, destroying the English book trade.<sup>82</sup>

Amidst these highly contentious debates, on February 20, 1693, the Commons decided to amend the Licensing Act on an omnibus bill of expiring laws. The goal in doing so was to garner support for renewing the Act, as fewer members of the Commons would oppose renewing so many expiring laws. The Commons voted on the omnibus bill the same day and ingrossed it by a 99 to 80 majority.<sup>83</sup> If it received royal assent, the Act would be renewed for a year and then until the end of the next session. The teller for the majority was Mr. Goldwell, one of the few members of the parliament who came to Bohun's defense during his scandal about *King William and Queen Mary, Conquerors*. The teller for the minority was Edward Clarke, who would play the largest role in the parliament on the expiry of the Licensing Act two years later. Though the Commons passed the bill, the short time of renewal and the slim majority signified considerable opposition to licensing.

On the 8<sup>th</sup> of March, the Lords voted on adding the amendment "That, if the Name of the Author and Printer be added to the Book, it may be Printed" to the bill.<sup>84</sup> Some Lords made a protest against the bill because their amendment had been rejected. They argued that the Licensing Act "subjects all Learning and true Information to the arbitrary Will and Pleasure of a mercenary, and perhaps ignorant, Licenser; destroys the Properties of Authors in their Copies; and sets up many Monopolies."<sup>85</sup> The term monopoly was being used as a point of critique, despite the fact that one of the primary objectives of the Act during its foundation was to appease the Company of Stationers by granting them monopolies. In fact, one of the only exceptions in the

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<sup>82</sup> Ibid., p.364

<sup>83</sup> *CJ*, 10, p.820

<sup>84</sup> *Journal of the House of Lords: Volume 15, 1691-1696*, (London, 1767-1830), *British History Online* p.279-281

<sup>85</sup> *LJ*, 15, p.279-281

Monopolies Act of 1624, which significantly limited the Crown's powers to grant monopolies under letters patent and brought the existing ones under the control of the common law courts, was for "grants of privilege heretofore made or hereafter to be made for, or concerning printing."<sup>86</sup> Even amidst intense scrutiny on monopolies, printing monopolies used to stand as a remarkable exception.

Another reason, and likely the true one, for the Lords' protest was that the Licensing Act allowed searches "in the House or Houses of any of the Peers of this Realm...without Oath being first made."<sup>87</sup> What the lords were referring to was that the Licensing Act restated Stationers' Company's and messengers of the press' right to search homes with general warrants for the discovery of seditious or unlicensed print. These warrants, which were authorized without reference to a specific cause, were a highly contentious issue.<sup>88</sup> For example, stationer Francis Smith claimed to have been "40 times a Prisoner" in twenty four years, eighteen of those incidents occurring under general warrants.<sup>89</sup> On the other hand, the Whig stationer Richard Janeway had arrested company searchers for trespassing when they entered his house in search of illicit almanacs.<sup>90</sup> Attempts to refuse or ignore general warrants were often unsuccessful but remained problematic throughout the duration of the Licensing Act and persisted long after it. Although the search clause remained particularly injurious to the Lords, the omnibus bill passed the House of Lords on the day of the protest. The Licensing Act remained in effect until 1695.

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<sup>86</sup> John Feather, *Publishing, Piracy, and Politics: An Historical Study of Copyright in Britain*, (New York: Mansell, 1994), p.34

<sup>87</sup> *LJ*, 15, p.279-281

<sup>88</sup> Adrian Johns, *The Nature of the Book*, p.132

<sup>89</sup> *Ibid.*

<sup>90</sup> *Ibid.*, p.131

### The Triennial Act and the Trial of William Anderton

There were two political developments in 1693 and 1694 that influenced the lapse of the Licensing Act in 1695. The Meeting of Parliament Act, also known as the Triennial Act, passed the parliament in December 1694. The Act required that the parliament hold a session at least once every three years and, perhaps more importantly, that general elections be held at least once every three years. Consequently, between 1695 and 1713, nine general elections took place, resulting in a significant surge in political pamphleteering and a corresponding increase in partisan politics. As Defoe would later argue in his *An Essay on the Regulation of the Press*, licensers had the potential to suppress critical opposition.<sup>91</sup> Members of parliament probably realized the licensing system could be employed against their own interests. The prominent cases of Bohun and Fraser further underscored this point.

The second political development was the use of treason laws to prosecute a printer. A common critique of the Licensing Act was that there was no penalty appointed by the Licensing Act for the offenders it mentioned and that they were left to be punished according to Common Law. In 1693, after the Commons reinstated the Licensing Act, the Crown initiated a test case to determine whether treason could be a substitute for the Licensing Act to prosecute the press.<sup>92</sup> The experimental defendant was William Anderton, a Jacobite who printed and published *Remarks on the Present Confederacy and Late Revolution in England* and *A French Conquest neither Desirable nor Practicable*. Anderton was the first person since 1663 to face a charge of treason for writing or producing printed material.<sup>93</sup> The king's counsel was to prove that

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<sup>91</sup> Daniel Defoe, *An Essay on the Regulation of the Press*, (London, 1704)

<sup>92</sup> Philip A. Hamburger "The Development of the Law of Seditious Libel and the Control of the Press," *Stanford Law Review* 37, no 3 (February 1985), p.717.

<sup>93</sup> Philip A. Hamburger, "The Development of the Law of Seditious Libel," p.718

Anderton designed the death of the king and the queen. The Crown claimed that “the design of it was...incite all the king’s subjects to stir up, and raise war and rebellion against him, and to restore the late King James.”<sup>94</sup> Anderton replied that printing could not be deemed imagining the king’s death — yet, Justice Treby, quoting precedents from the fifteenth century, declared that “In primitive times, before printing was invented, writing was found to be an overt act; and made high-treason, therefore printing was more manifestly an overt act.”<sup>95</sup> Anderson was found guilty and executed. Following the success of Anderton’s trial, the Crown likely felt secure that it could employ treason laws to suppress Jacobitism, perhaps experiencing less urgency to renew the Licensing Act in 1695.

### **The Lapse of the Licensing Act in 1695**

One figure, perhaps more than anyone else, influenced the expiry of the Licensing Act in 1695: the founder of modern liberalism, John Locke. Together with MP Edward Clarke, and the Whig lawyer John Freke, they formed the College around 1694. The College pressed various political campaigns in the parliament, including a campaign against the renewal of the Licensing Act. Locke's disfavor of the Company of Stationers stemmed not only from abstract ideals but also from his personal experiences. In a letter dated November 23, 1691, before any discussions of the renewal of the Licensing Act, Locke expressed his preference for his friend Awnsham Churchill, who was a member of a highly prominent Whig family, to print the newly edited *Aesop Fables* instead of relying on the Stationers. Locke desired the book to be produced in "fair character and good paper," indicating his dissatisfaction with the quality standards associated

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<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

with the Stationers' Company's output.<sup>96</sup> His exposure to the book trade in Holland during his exile between 1683 and 1688 likely solidified his opposition to restraints and monopolies in the English book trade. Furthermore, in a letter to Clarke on January 2, 1693, Locke voiced his discontent with the Stationers' practice of patenting numerous ancient books.<sup>97</sup> He lamented the fact that authors were prohibited from making any edits or revisions to these works, effectively impeding intellectual creativity and hindering scholarly progress.

Opposition to the Licensing Act was stronger in 1695 than previously. On the 30<sup>th</sup> of November 1694, the House of Commons appointed a committee to examine expiring acts, including the Licensing Act. Freke informed Locke on January 3<sup>rd</sup> that “The printer’s Bill is not yet come... I believe t’will not be revived let who will endeavor it.”<sup>98</sup> On January 9<sup>th</sup>, the committee recommended the renewal of the Act, but on February 11, instead of renewing the Licensing Act, Commons ordered the committee to bring in a new bill to regulate the press with Clarke as a member.

In either December 1694 or January 1695, Locke composed a detailed critique of the Licensing Act, which played a significant role in Clarke's and, consequently, the Commons' opposition to its renewal. Historians have noted that Locke's critique of licensing — unlike Milton, who posed a universal appeal to the liberty of the press — primarily focused on the economic constraints, monopolies, and practical issues arising from the Act. Indeed, Locke devoted more than half of the manuscript to the cost readers had to endure due to Company of Stationers' monopoly of ancient authors and exclusion of superior editions from overseas,

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<sup>96</sup> John Locke to Edward Clarke., 21 October 1691, in *The Correspondence of John Locke*, vol 4., ed. Esmond Samuel de Beer, (Oxford: Clarendon Press, 1979), p. 322

<sup>97</sup>John Locke to Edward Clarke, 2 January 1693, in *The Correspondence of John Locke*, vol 4., p.614

<sup>98</sup> John Freke to John Locke, 3 January, 1695, in *The Correspondence of John Locke*, vol 5., p.248

criticizing the absurdity of claiming ownership of authors who predated print.<sup>99</sup> He further criticized two clauses of the Act on the grounds that the restrictions threatened the livelihoods of the members of the printing trade. It is essential to note, however, that even these are critiques inextricably related to the freedom of the press. When examined alongside the earlier critiques of licensing by figures like Milton, Blount, and Hickeringhill and their emphasis on the impeding effect of licensing on learning, and enforcers of the Licensing Act such as L'Estrange espousing the benefits of limiting the number of printers, it becomes evident that Locke's critique of monopolistic practices harming access to books extends to broader issues of intellectual freedom and the unimpeded circulation of ideas. Therefore, Locke's critique of the monopoly of the Stationers' Company and the impact of import restrictions should be understood as part of a larger critique aimed at challenging the system of pre-publication censorship, emphasizing the importance of facilitating unrestricted dissemination of knowledge.

Moreover, Locke's first critique of the Act was that it forbade "Heretical, Seditious, Schismatical, [or Offensive] books" to be printed, imported, or sold, arguing that the definitions used were excessively arbitrary.<sup>100</sup> He pointed out that the interpretation of what constitutes offensive or heretical would rely solely on the subjective discretion of the licenser. Locke added, pointing to the Catholic Church, "Who knows but that ye motion of ye Earth may be found to be Heretical, &c., as asserting Antipodes once was."<sup>101</sup> He concluded by adding, "I know not why a man should not have the liberty to print whatever he would speak, & to be answerable for ye one

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<sup>99</sup>"John Locke's Comments on the 1662 Printing Act" (December 1694 — January 1695) in *Censorship and the Press 1580-1720*, vol. 3., ed. Geoff Kemp, (London: Pickering & Chatto, 2009), p.417-421

<sup>100</sup> "John Locke's Comments on the 1662 Printing Act," p. 417

<sup>101</sup> Ibid.

just as he is for ye other: if he transgresses ye law in either.”<sup>102</sup> Hence, Locke’s criticisms of the Act provided both indirect and direct support for the liberty of the press.

The new printing bill was introduced to the Commons by Clarke on the 2<sup>nd</sup> of March, which was significantly influenced by Locke’s suggestions. The most significant departure of this bill from the 1662 Act was that it contained no compulsory licensing and marginalized the Stationers’ Company. There was to be no geographical restriction on printing, no registration of copy-ownership, and no ban on imports.<sup>103</sup> Freke and Clarke could ease the mind of Locke on March 11, telling him that “the Bill prepared for regulating the Press is soe contrived that there is an absolute Liberty for the printing every thing that is Lawful to Speak.”<sup>104</sup> The bill had significant support in the parliament, and on March 14, Freke and Clarke informed Locke that the solicitor Sir Thomas Trevor and Lord Sommers were approving the bill.<sup>105</sup> A week later, they wrote to Locke once again, informing him that Lord Sommers was pressing them to present the bill to the Commons.<sup>106</sup> On March 29, the bill was sent to the Lords, and the Lords, unexpectedly directed by Lord Sommers, suggested the renewal of the Licensing Act, and sent their proposal to the Commons on April 8. The reasons behind Lord Sommers’ swift change of stance remain uncertain, leaving room for speculation about potential influences from the Crown, the Church, and the Stationers’ Company. However, it is crucial to highlight that Lord Sommers, as a prominent member of the Whig Junto, initially expressed approval and even exerted pressure in

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<sup>102</sup> Ibid.

<sup>103</sup> John Feather, "The Book Trade in Politics: The Making of the Copyright Act of 1710." *Publishing History* 8, (1980), p.21

<sup>104</sup> John Freke and Edward Clarke to John Locke, 7 March, 1695 in *The Correspondence of John Locke*, vol 5., p. 282

<sup>105</sup> John Freke and Edward Clarke to John Locke, 14 March, 1695 in *The Correspondence of John Locke*, vol 5, p. 291

<sup>106</sup> John Freke and Edward Clarke to John Locke, 21 March, 1695 in *The Correspondence of John Locke*, vol 5., p.295

favor of a bill which was considerably less restrictive than the Licensing Act. On April 9, Freke and Clarke informed Locke about the Lords' attempt to renew the Licensing Act, adding that, most likely, neither their bill nor the Licensing Act would pass the session.<sup>107</sup>

On April 18, Clarke presented the Commons' reasons to the Lords against the renewal of the Licensing Act.<sup>108</sup> Locke's influence could be felt through this response. The Commons' case included questioning the role of the licenser, the impracticalities of the legislation, the authority of messengers to search and seize books within homes, and the degree of discretion over punishment and the ambiguity of offensive books.<sup>109</sup> The restraints upon the printers to practice their trade, the monopoly of the Company of Stationers over most of the classic authors, and "a great Number of the best Books" was also criticized.<sup>110</sup> They also added that "without Doubt, if the late King James had continued in the Throne till this Time, Books against Popery would not have been deemed offensive Books." With their reasons presented, the Commons decided not to renew the Act, and on May 3<sup>rd</sup>, 1695, the Licensing Act expired with the prorogation of the parliament — never to be revived again. It was not at all clear at the time, however, that pre-publication censorship would never be reinstated or new press regulations would not be legislated.

On November 22, 1695, parliament assembled once again. Then, on November 26, 1695, the Commons granted permission to Robert Harley and Clarke to introduce yet another bill aimed at "the regulating of Printing and Printing Presses."<sup>111</sup> Clarke's involvement in this bill clearly indicated that if press regulation were to be enacted during this session, it would be

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<sup>107</sup> John Freke and Edward Clarke to John Locke, 9 April, 1695 in *The Correspondence of John Locke*, vol 5., p.327

<sup>108</sup> *LJ*, 15, p. 545

<sup>109</sup> *LJ*, 15, p.545-546

<sup>110</sup> *LJ*, 15, p. 545-546

<sup>111</sup> Raymond Astbury, "The Renewal of the Licensing Act in 1693 and its Lapse in 1695," p. 317

significantly less restrictive than the Licensing Act. The proposed press bill indeed sought to introduce more relaxed regulations. It suggested that printers could establish presses in York, Bristol, and Norwich, provided they registered with the mayor or the bishop of the diocese.<sup>112</sup> Furthermore, printers outside of these towns could establish presses with special licenses from the king or the bishop of the diocese. Additionally, if a printer submitted each sheet of a new book to the licenser as it was being printed, they would not be required to obtain a license beforehand.<sup>113</sup> Consequently, licensing became optional. There were, however, objections on multiple sides. The Stationers' Company wanted to preserve its influence in the book trade, the Church wanted more protection, and the Crown, according to Freke, wanted to keep the power of granting patents of books with royal prerogative.<sup>114</sup> Once again, the replacement bill for the Licensing Act was ultimately not legislated.

The failure to legislate press regulations became more and more common in the following years. Between May 1695 and the passing of the Copyright Act in 1710, there were nine bills related to the legislation of the press — none passed the Commons, only one passed the Lords, and only two received a second reading.<sup>115</sup> Only one of them attempted to revive the Licensing Act, and it was still being prepared by a committee at the end of the session in March 1696, without ever receiving a reading.

### **Changes in Political Economy**

Was it the case, as Macaulay remarked, that they did not know what they were doing?

Though it is unlikely that the majority of the parliament truly imagined how the press would turn

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<sup>112</sup> Ibid.

<sup>113</sup> Ibid., p.318

<sup>114</sup> Ibid., p. 319

<sup>115</sup> John Feather, *Publishing, Piracy, and Politics: An Historical Study of Copyright in Britain*, p.51

out to be the way it did in the following decades, both pro and ant-licensing figures had extensively presented their ideas to the public sphere and the parliament. It is implausible that these politicians, most of whom had lived through the expiry of the Licensing Act in 1679, did not foresee radical changes about a press without prior restraint and limitations on the number of printing presses and printers. It is precisely this awareness of the arguments and the possible outcomes that make the expiry of the Act in 1695 and their refusal to renew licensing or bring further restraints upon the press more interesting.

Most of the arguments, both for and against, presented regarding the Licensing Act in 1695 were not new. As we have seen, Milton's ideas had been repeatedly discussed in the discourse on the Licensing Act: the connection of licensing as an impetus to learning, the adequacy of Common Law to punish seditious or heretical authors, and the association of licensing with Catholicism, all predated the Licensing Act. L'Estrange, long before Locke or *Reasons Humbly Offered to be Considered*, questioned the wisdom of granting the Stationers' Company excessive influence in regulating the print trade. Likewise, the notion that books bearing authors' names should be allowed to be published without a license dated back to Milton and had been discussed numerous times before the final expiry of the Licensing Act. The fact that the Stationers' Company held patents on many ancient and high-quality books and had a near monopoly on the printing industry was not new information. The understanding that limitations on imports and the number of printing presses restricted access to knowledge was also not novel—this outcome was deliberately engineered.

Certainly, the experience of censorship during the reign of James II made the association of licensing with Catholicism and oppression resonate further. The increasingly partisan politics, especially after the Triennial Act, also made the arbitrariness of licensers appear more

dangerous. The changes in the perception of licensers, however, do not explain the removal of the limitations on book imports and the number of printers and printing presses. What had primarily changed between 1662-1685 and 1695 were not the arguments or facts themselves. It was the structural changes within England, especially in the political economy, that enabled these arguments to be received favorably.

To analyze the structural changes, we must first take a look at the Whig and Tory understandings of the economy. Whig and Tory understandings of wealth creation had significant differences. Whigs believed not land but labor to be the basis of wealth. Hence, they believed that wealth was potentially infinite, limited not by the Kingdom's possessions but by the industriousness of its people.<sup>116</sup> A natural extension of this logic was they believed manufacturing rather than agriculture to be the basis of wealth. The key to promoting efficient deployment of labor was to allocate money to the productive parts of the economy. At the accession of James II to the throne, Whigs were advocating the creation of a national bank, which would help facilitate the circulation of money oriented towards manufacturing. James II, however, embraced a Tory political economy. Instead of supporting the creation of a national bank, he supported exclusive monopoly privileges of the East India Company and the Royal African Company.<sup>117</sup>

The Glorious Revolution, in many ways, intended to produce a revolution in the political economy.<sup>118</sup> A great example of the differences between pre-and-post revolution English political economy is the contrast between the decisions on *East India Company v. Thomas Sandys* in 1685 to *Nightingale v. Bridges* in 1689. Thomas Sandys was an English merchant who

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<sup>116</sup> Steven C. A. Pincus, *1688: The First Modern Revolution.*, p.372

<sup>117</sup> Ibid.

<sup>118</sup> Ibid., p.393

traded in India, returning with a shipload of cloth that arrived in the English Channel in January 1682. The officials of the East India Company seized the ship and attempted to levy a fine. Sandys' defense argued that "...the king cannot by his letters patents take away the subject's property, and I do not know a greater property than freedom of trade and labour; the king cannot take away six-pence that a man has got by his trade, much less can he take away his whole trade"<sup>119</sup> Justices in King's Bench sided with the plaintiffs, and argued that granting exclusive trading charters was the king's "undoubted prerogative."<sup>120</sup> Consequently, the court effectively validated the king's right to grant a monopoly to conduct overseas trade. However, the tides turned after the revolution, as exemplified in the case of *Nightingale v. Bridges*. This time, the Royal African Company had seized the vessels of merchants for trading in the company territory. In turn, the merchants sought legal retribution and won their case. This decision, authored by John Holt, signified the termination of the royal authority to enforce exclusive economic privileges granted through prerogative powers.<sup>121</sup>

The shift in the perception of exclusive economic privileges helps us understand why the pamphlet *Reasons Humbly Offered to be Considered* was able to use anti-monopoly arguments. As mentioned, printing monopolies were seen as an exemption even in the 1624 Monopolies Act. Yet, the Lords' protest in 1693, Locke's critique of the Licensing Act, and the Commons' case against the renewal of the Licensing Act echoed anti-monopolistic reasoning and criticized restrictions on free trade and the monopoly of the Stationers' Company. The Commons, in fact, directly questioned the right of the king to grant exclusive economic privileges when it refused to

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<sup>119</sup> *A Complete Collection of State Trials and Proceedings for High Treason and Other Crimes and Misdemeanors from the Earliest Period to the Year 1783, with Notes and Other Illustrations*. vol.10 (United Kingdom: Longman, Rees, Orme, Brown & Green, 1816), p. 387.

<sup>120</sup> Steven C. A. Pincus, *1688: The First Modern Revolution*, p.376

<sup>121</sup> W. Darrell Stump, "An Economic Consequence of 1688." *Albion: A Quarterly Journal Concerned with British Studies* 6, no. 1 (1974), p.4

renew the Act in 1695. The second point in the Commons' case against renewing the Act was "Because that Act gives a Property in Books to such Persons, as such Books are, or shall be, granted to by Letter Patents, whether the Crown had, or shall have any Right to grant the same, or not, at the time of such Grant."<sup>122</sup>

The shift in the perception of printing monopolies becomes apparent when we compare the attempt at incorporating a new Printing Company in 1663 and *Reasons Humbly Offered to be Considered*. In the former, printers demanded to be separated from the Company of Stationers and sought their own monopoly on printing, whereas the latter proposed independent work and lamented their inability to conduct their trade freely like the rest of the realm. This stark contrast illustrates a significant change in sentiments towards monopoly companies. While such companies persisted after the revolution and were problematic before the Restoration, the sentiment surrounding them had undergone an enormous change. The authority of the king to grant exclusive economic privileges became an increasingly contentious issue, as it undermined the Crown's dependency and the necessity of maintaining good relations with parliament. The dependency of the Crown on the parliament brings us to the topic of credible commitment.

One of the most important points to emphasize about why the Licensing Act expired in 1695 relates to the concept of credible commitment and its relation to the Glorious Revolution and the subsequent institutional reforms. Credible commitment is a concept in economic history that refers to the ability of a government or other institution to make and maintain policies that are seen as predictable and reliable by investors and other stakeholders. The first twelve years of William's rule in England saw the tripling of military costs from 2 million pounds per year to 6 million pounds per year.<sup>123</sup> The governmental expenditure quintupled between 1688 and 1697.

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<sup>122</sup> *LJ*, 15, p. 545

<sup>123</sup> John David Angle. "Glorious Revolution as Financial Revolution" *History Faculty Publications*. 6, (2013), p. 25

The debt grew from almost nothing to nearly 16.7 million pounds during the same period.<sup>124</sup> This sharp change in the willingness of lenders to supply the government relates to the perceived commitment of the government to honor its agreements.

The Glorious Revolution impacted this change in the credibility of commitment in multiple ways. P. G. M. Dickson, the historian who coined the term Financial Revolution argues that it was no coincidence that the foundation of a national bank in England followed the overthrow of James II in 1688 and the effective establishment of parliamentary government.<sup>125</sup> The revolution ushered in the era of parliamentary supremacy. The Crown no longer argued for the divine right to rule to claim to be above the law. Post-revolution, parliament reasserted its right to veto legislation and gained substantial authority to monitor the spending of the monarchy. The exclusive authority of the parliament to raise new taxes was firmly established. For the Crown to achieve its goals, it had to foster successful relations with the parliament.<sup>126</sup> This is among the primary reasons why the post-revolutionary parliament questioned the king's authority to grant monopolies through royal prerogative. If the Crown could finance its endeavors by granting exclusive economic privileges to particular individuals or companies, then it would have less need to establish good relations with parliament. Although printing monopolies were not as financially significant as trading monopolies, the same principle applied to them. This is why the parliament became receptive to the anti-monopoly arguments presented against the Licensing Act.

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<sup>124</sup> Douglass C. North and Barry R. Weingast. "Constitutions and Commitment: The Evolution of Institutions Governing Public Choice in Seventeenth-Century England." *The Journal of Economic History* 49, no. 4 (1989), p.822

<sup>125</sup> P. G. M. Dickson, *The Financial Revolution in England: A Study in the Development of Public Credit, 1688-1756*. (London; New York; Melbourne; Macmillan: St. Martin's Press, 1967), p.56

<sup>126</sup> Douglass C. North and Barry R. Weingast. "Constitutions and Commitment," p.815

The Declaration of Rights proclaimed that parliament should be held frequently to uphold the laws, which was then legislated with the Triennial Act. The Crown could no longer disband the parliament at its discretion alone. Independence of the judiciary from the Crown was ensured; Judges could only be removed if convicted for a criminal offense or by the action of both houses of parliament.<sup>127</sup> The Declaration of Rights also made a standing army at the time of peace without the consent of the parliament illegal. Due to these constraints, the Crown was a much more credible borrower and was able to borrow at a much larger scale than its Stuart predecessors. Without such extensive borrowing power, the Crown would never be able to defeat France.

Especially after 1694, when the Whig Junto truly started to dominate the ministries, the logic of credible commitment further extended to new financial techniques that enabled the government to finance its war. The most significant of these new institutions was the Bank of England which was founded in 1694 — one year before the demise of the Licensing Act. Other examples, such as the Million Lottery in 1694, and the Exchequer Bills founded in 1696, played significant roles. The expiry of the Licensing Act in 1695 and numerous refusals to renew it or institute similar printing regulations in the subsequent years are deeply connected with the credibility of these new institutions.

To give a summary, the Million Lottery, or the Million Adventure, was established in 1694 as a means to fund the treasury. It saw 1 million pounds raised through the sale of 100,000 tickets for 10 pounds each. These tickets functioned more like a loan rather than the lottery in the modern sense. Ticket holders were to receive a guaranteed return of at least 10% for 16 years.<sup>128</sup>

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<sup>127</sup> Ibid., p.815

<sup>128</sup> Andreas Michael Andreades, *History of the Bank of England: 1640 to 1903*, 4<sup>th</sup>ed., (London: Frank Cass & CO. LTD, 1966) p.58

2500 *Fortunate Tickets* would yield much more. Their annuities ranged from 10 to 1000 pounds annually for 16 years. The lottery opened up in March 1694, and all the available tickets were sold by late June of the same year.

The Bank of England was founded in April 1694 with the passage of the Tonnage Act as another response to the challenges of financing government expenditure. This Act authorized the raising of 1.2 million pounds by subscription. The bank was to lend the whole of its capital to the government. In return, it received interest at the rate of 8%.<sup>129</sup> Soon after, it issued banknotes that were payable to the bearer, meaning that the bank promised to pay the bearer the value of the note on demand. Perhaps the most significant development associated with the creation of the Bank of England was that the parliament guaranteed all these loans and made them “debts of the nation” or national debts.<sup>130</sup> Exchequer bills were another financial instrument created after the lapse of the Licensing Act. It was first issued in 1696 as a type of paper money. The holders of these could receive their money back from the tellers of the Exchequer, including interest at the rate of 3 pence percent per diem.<sup>131</sup>

Despite having downfalls and failures at times, overall, the new institutions were a resounding success. In the twenty years after the bank’s foundation in 1694, Britain averaged between 31.1 and 39.9% of its budget raised from loans.<sup>132</sup> Such deficits changed the nature of the government by allowing it to finance a much larger military than tax revenues alone would have allowed.<sup>133</sup> Yet, there were various points of critique against these new institutions. A common Tory argument against the Bank of England was the fear of permanent debt and the

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<sup>129</sup> Andreas Michael Andreades, *History of the Bank of England*, p.73

<sup>130</sup> John David Angle. “Glorious Revolution as Financial Revolution,” p.31

<sup>131</sup> R. D. Richards, “The Exchequer Bill in the History of English Government Finance,” *Economic History* 3, no. 11 (1936), p.195

<sup>132</sup> John David Angle. “Glorious Revolution as Financial Revolution,” p.31

<sup>133</sup> Ibid.

transient nature of the credit system, which for many seemed not based on real value and had the danger of collapsing the commercial world when it would inevitably implode. Some even argued that a national bank was essentially a republican institution incompatible with a monarchy.<sup>134</sup> In the midst of these concerns and uncertainties, the success of these new financial institutions depended heavily on the trust of the public. The press, and especially an unrestrained press, was essential for establishing this trust through two key aspects: the credibility of the government and information dissemination.

Out of the 1268 subscribers of the Bank of England in 1694, there were 63 titled aristocrats, 168 gentlemen, 190 esquires, 113 professionals, 201 merchants, 9 working in finance, 148 retailers, 99 manufacturers, 7 transporters, 2 working in agriculture, 6 working in building, 9 in domestic service, 153 women, and 100 unknown.<sup>135</sup> Rather than the king borrowing arbitrarily without the consent of the subject, the parliament created the Bank of England and the securities were purchased by common people. Common people had a stake in the nation's finances and could purchase a stake in the country's future through the bonds. It was only natural that in this new formulation, the public would desire more transparency from the government, and the government would be more willing to provide this transparency since it was precisely the trust of the public that enabled the government to fund its increasingly expensive endeavors.

There was certainly a demand for transparency from the public, and the press was willing to provide it. During 1694, John Houghton's *A Collection for the Improvement of Husbandry and Trade* included paper exchange rates and an account of the total money loaned to the Exchequer, which included the amount of money advanced and the sum thus far paid on various funds.<sup>136</sup>

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<sup>134</sup> Andreas Michael Andreades, *History of the Bank of England*, p.68-69

<sup>135</sup> Anne L. Murphy, *The Origins of English Financial Markets: Investment and Speculation before the South Sea Bubble*. (Cambridge; New York: Cambridge University Press, 2009) p.150

<sup>136</sup> Anne L. Murphy, *The Origins of the English Financial Markets*, p. 99

James Whiston's *Whiston's merchants weekly remembrancer*, which was the most advanced price listings in England at the time, was doing the same by June 1697.<sup>137</sup>

Most of the subscribers to the bank were not members of the parliament, and many of them did not know how these new financial instruments operated. These people had to rely on the press to get information about how institutions of public credit functioned. As a result, as William Tindall recognized in 1695, "There hath been much Giddiness in Print about the Subject of the Banks."<sup>138</sup> The government was aware of the necessity of the press to inform the public. The *London Gazette*, the only official newspaper in England in 1694, made announcements about the procedures for taking subscriptions for the Bank of England in early June 1694.<sup>139</sup> The Million Adventure was also advertised in the *London Gazette* in two editions in April 1694.<sup>140</sup>

The private press was also participating in informing the public. On July 13, 1694, John Houghton wrote in his *A Collection for the Improvement of Husbandry and Trade* a simple explanation about how the lottery functioned: "As to the million lottery. They give so much money for a blank ticket, where they are sure to have no more than ten per cent for sixteen years, and so much to put or refuse, as above; and likewise, they make their agreement to refuse put either all the shares agreed for, or any, or all, or none: And these bear different prices."<sup>141</sup> In a similar vein, the lotteries caused interest and confusion among readers of the *Athenian Mercury*,

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<sup>137</sup> James Whiston, *Whiston's merchants weekly remembrancer, of the current present-money-prices of their goods ashoar in London*, on Monday, March 1st. 1696/7. London: n.p., [1697].

<sup>138</sup> William Tindall, *Some Remarks upon the Bank and Other Pretended Banks with Reasons Humbly Offered to the Consideration of the Present Parliament for Establishing a Real Land-Fund, or a Money and Land Bank* (London, 1695), p.4

<sup>139</sup> *London Gazette*, 7-11 June 1694

<sup>140</sup> *London Gazette*, 23-26 April 1694

<sup>141</sup> John Houghton. *Husbandry and trade improv'd: being a collection of many valuable materials relating to corn, cattle, coals, hops, wool, &c. With a complete catalogue of the several sorts of earths, ... With many other useful particulars, communicated by several eminent members of the Royal Society, to the collector, John Houghton, F.R.S. Now revised, corrected, and published, with a preface and useful indexes, by Richard Bradley, ... In four volumes*, 2nd ed., vol. 1. (London: printed for Woodman and Lyon, 1728.) p.274

stimulating a number of questions in late 1694 and early 1695.<sup>142</sup> In December 1694, for example, a correspondent enquired whether lotteries were, in good conscience, warrantable, since it resembled gambling. The *Athenian Mercury* replied “lottery could hardly be said to be an action for the glory of God,” but the Million Lottery was an exception since it was necessary for the defense of the nation.<sup>143</sup> Perhaps the most important public information about the Bank of England occurred thanks to Sir Humphrey Mackworth’s *England’s Glory; or the great improvement of trade in general, by a royal bank, or office of credit, to be erected in London; wherein many great advantages that will hereby accrue to the nation, to the crown, and to the people, are mentioned; with answers to the objections that may be made against this bank.*<sup>144</sup> As the title suggests, this work informed the general public about the benefits of the Bank of England and answered many objections people had.

These examples show how instrumental the press was in informing the public about the new public credit institutions. One of the primary aims of the Licensing Act was to slow down the dissemination of seditious and heretical ideas. The same restraints upon the press that slowed down the dissemination of seditious and heretical ideas slowed down the spread of information about the new financial institutions, especially in towns outside London, York, Oxford, and Cambridge, where there were no printing presses.

Of course, investment in the new financial instruments did not solely depend upon knowing their existence and learning how they functioned. Any and every news about the prospects of politics, and especially the war, was now of primary concern to the public because of the ever

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<sup>142</sup> Anne L. Murphy, *The Origins of the English Financial Markets*, p.107

<sup>143</sup> *Athenian Mercury*, 16 October 1694

<sup>144</sup> Humphrey Mackworth, *England's glory; or the great improvement of trade in general, by a royal bank, or office of credit, to be erected in London; wherein many great advantages that will hereby accrue to the nation, to the crown, and to the people, are mentioned; with answers to the objections that may be made against this bank.* (London: printed by T.W. for Tho. Bever, 1694).

growing national debt. This was especially true for the investors in the new financial instruments, who required credible information about the conduct of the government to make sound decisions. Some newspapers were keenly aware of the relationship between the news and the market. On September 16, 1697, *Post Boy* reported, “On the 11<sup>th</sup> early in the morning we received the agreeable News of the Conclusion of the Peace... In a word, it has already such Effects on affairs, that the Bank Stock advanced 10 per Cent the first day.”<sup>145</sup>

The government was also aware of the relationship between public credit and the press. On April 1<sup>st</sup> 1697, the *Flying Post* published an advertisement concerning the Exchequer bills “We hear, that when the Exchequer-Notes are given out upon the Capitation-Fund, whoever shall desire Specie in them, will have it at five Pound and a half per Cent of the Society of Gentleman that have subscribed to advance some hundred thousands of Pounds.”<sup>146</sup> The fact that this offer was facilitated by a private society rather than a government institution was problematic, especially since said society was offering hard currency at a discounted rate. Even if the market value of the bills were lower than their face value, advertising that the society would buy them at a discounted rate could undermine public confidence in the Exchequer bills and the overall creditworthiness of the government. Indeed, the Commons interpreted this passage as having malicious intent and harmful to public credit. Infuriated, they sent its printer John Salisbury to be sent into custody and gave leave to bring in a bill to “prevent the Writing, Printing, or Publishing any News without License.”<sup>147</sup> When this bill was presented by Mr. Pulteney, it was

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<sup>145</sup> *Post Boy*, 16 September 1697

<sup>146</sup> Great Britain. Parliament. House of Commons. *The history and proceedings of the House of Commons from the Restoration to the present time...*, Vol III, (London: printed for Richard Chandler, and sold at the Ship without Temple-Bar, and at York and Scarborough, 1742) p. 72

<sup>147</sup> Great Britain. Parliament. House of Commons. *The history and proceedings of the House of Commons from the Restoration to the present time...*, p. 72

thrown out before its second reading because “tho’ they saw the Mischiefs of the Liberty of the Press, they knew not where to fix the Power of Restraint”<sup>148</sup>

This anecdote informs us that the government was keenly aware of the relationship between credit and the press. It is telling that the Commons offered a bill to license the newspapers, not due to the numerous news critical of the war against France or various other government policies, but when it targeted the public credit. It is also telling that they decided not to act upon this, perhaps due to the idea that restraining the press would be more harmful to the credibility of these new financial instruments than the occasional financial speculations from an unrestrained press.

Similarly, the Commons, on October 28, 1696, ordered the pamphlet *An Account of the Proceedings in the House of Commons, in relation to the Re-coining the clipped Money, and Falling the Price of Guineas*, to be burnt by the common hangman, and suggested the king to issue a Royal Proclamation, promising a reward of five hundred pounds for the discovery of the author of the pamphlet.<sup>149</sup> Five hundred pounds was an unusually high reward. Two days later, the Commons was informed of the pamphlet *A summary Account of the Proceedings upon the happy Discovery of the Jacobite Conspiracy*, which also breached the privileges of the Commons.<sup>150</sup> They suggested no bounty, nor did they order the pamphlet be burnt by the common hangman. We can deduce from their approaches that the Commons cared more about the speculations on monetary and fiscal policies than they did about the breach of their privileges. One of the primary dangers of the unrestrained press was its capability of harming public credit, which putting restraints upon it would only cause further harm.

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<sup>148</sup> Ibid.

<sup>149</sup> *CJ*, 11, p .572

<sup>150</sup> Ibid.

The connection between public credit and the lapse of the Licensing Act extends to figures related to the Act's demise. All members of the College, who were directly responsible for the expiry of the Licensing Act, were early investors in the Bank of England. In June 1694, John Locke had made a substantial investment of 500 pounds in the Bank of England, while John Freke had also shown confidence in the new institution with an investment of 300 pounds.<sup>151</sup> Edward Clarke subscribed a remarkable 2000 pounds to the bank and acted as commissioner for receiving other subscriptions. Clarke was even chosen by ballot to be a director of the bank. Despite Locke's protests, Clarke refused this position due to his busy career as a politician.<sup>152</sup> It is rather telling, however, that Clarke, who had prepared the printing bill in early 1695, which offered a remarkably less restrained press than the Licensing Act, and even provided the Commons' case against renewing the Act in April, was trusted by financial circles so much that he was offered the position of director of the bank in June 1694. One of the original directors of the bank, Brook Bridges, documented in his diary the various trials of Englishmen between 1684 and 1685 for saying or writing things critical of James II.<sup>153</sup> It is evident that figures entrenched in the new public credit institutions were aware of the importance of public credibility generated by liberating the press.

### **Conclusion**

The demise of the Licensing Act was one of the most transformative events in British history, catalyzing a profound shift in the landscape of press freedoms and intellectual discourse. With the removal of pre-publication censorship and press regulations, the press flourished,

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<sup>151</sup> John Locke to Edward Clarke, 30 June 1694, in *The Correspondence of John Locke*, vol 5., p.80-81

<sup>152</sup> John Locke to Edward Clarke, 6 August 1694, in *The Correspondence of John Locke*, vol.5, p. 106

<sup>153</sup> Steven C. A. Pincus, *1688: The First Modern Revolution*, p. 152

leading to an era of unprecedented freedom of expression. With their newly found freedoms, many prominent early 18th-century authors expressed their love of the liberty of the press and elevated it to a cornerstone of the new British identity.

We should consider the circumstances within which the Commons found itself in 1695 when it let the Licensing Act expire to truly appreciate the gravity of their decision. A recent revolution had ousted James II, replacing him with the foreign-born Prince of Orange. There was considerable support for James II's return to England, while England was engaged in a costly war with France, the nation with the strongest military in Europe. The government was drowning in unprecedented debt, with many, including members of parliament, speculating that it would inevitably lead to the total collapse of the economy. The experience of the chaotic press following the Act's expiry in 1679 still lingered in the minds of the people. Fully aware of the possible ramifications of an unbridled press, the Commons faced the crucial decision to either renew the Act or allow it to lapse. Despite the myriad of risks associated with their choice, they decided to let the Licensing Act expire.

The intellectual arguments against press restraints indisputably impacted the decision to let the Act lapse. Without Milton's views repeatedly presented throughout the discourse on licensing, it is near impossible to imagine that the Licensing Act would have expired in 1695. Figures like Blount and Locke played essential roles in presenting arguments favoring the liberty of the press to the parliament and the public sphere. Many members of the parliament surely held the ideals of the liberty of the press to be true. But why did they take this chance in 1695, when so much was unstable, and much more was at risk?

This thesis aimed to illustrate that arguments against the Licensing Act in 1695 drew heavily from long-standing viewpoints and that the Glorious Revolution and subsequent reforms

in England, particularly those related to political economy, provided a fertile ground for well-known intellectual arguments and economic realities to be utilized as powerful critiques against the Licensing Act. Compared to previous discussions, the most noteworthy departure in the arguments presented against the Act during the 1690s was the emergence of economic and pragmatic concerns directly linked to the Act. During the foundation of the Act, its monopolistic elements were considered necessary to maintain a loyal and orderly press. After the revolution, perceptions of the Crown's ability to grant exclusive economic privileges shifted drastically. The Crown's financial dependency upon the parliament was crucial for the intended structure of the new system; as a result, the Crown's power to grant letter patents and monopolies became a contentious issue, making the monopolistic elements of the Licensing Act subject to intense critique. Initially, the Act's limitations on the number of printers, printing presses, and book imports were considered necessary to control the spread of harmful ideas. However, with the introduction of public credit institutions, the state's success depended on its borrowing capabilities, which relied on public trust and widespread information dissemination. As a result, licensers and restrictions on the flow of ideas became counterproductive. While the shifts in the political economy were far from the sole cause of the Act's demise, they played the vital role of creating a structure where an unrestrained press could prove more beneficial than harmful, making the parliament more receptive to the ideas challenging the Licensing Act.

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