

CHAPTER 1

Origins and developments

When Charles II returned from exile in 1660, the general air of rejoicing prompted a burst of confidence from John Dryden:

At home the hateful names of Parties cease
And factious Souls are weary'd into peace.

But this was either wishful thinking, or an early example of that loyalist propaganda he was later to practise so successfully as poet laureate. The real state of affairs was different. As new laws were put into force and government control was steadily tightened, opposition inevitably increased, and equally inevitably, was driven underground. In such circumstances resistance was still possible; the discontented, the dispossessed, the persecuted and the fanatically faithful believers in 'the Good old Cause' could still find men who dared to print, and others to disperse, their seditious pamphlets. The risks were great and the penalties heavy, but in the early 1660s such pamphlets kept appearing in considerable numbers, and fostered the spirit of opposition to the restored monarchy. The government had foreseen this danger, and in November 1660 the old Cavalier journalist, Sir John Berkenhead, had been appointed official licenser for the press; but he could only deal with such manuscripts as were submitted to him.¹ More effective was another old royalist, Roger L'Estrange, who, on 24 February 1662, became 'Surveyor of the Presses' by virtue of a warrant from Sir Edward Nicholas, one of the two Secretaries of State. This appointment was to be confirmed on 15 August 1663 by letters patent from the King, by which L'Estrange became 'Surveyor of the Imprimerie' and at the same time a licenser of the press.²

For L'Estrange it was not only a moral duty to hunt down heretical and seditious publications, it became a pleasure. In the course of the next few years his spies and informers enabled him to raid the premises of many printers, and to arrest his victims in the act. Among those was John Twyn, who was arrested on 27 October 1663, and tried some months later for printing 'A Treatise of the Execution of Justice'. Giving evidence at the trial, L'Estrange told the court that he had set a man to watch Twyn's house, and when at length a message reached

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him ‘*that now they were about it as hard as they could drive* (which was about four in the morning)’, he went at once with one of the King’s messengers and a constable, and after a long delay the door was opened to them. In the interval Twyn and his apprentices had been endeavouring to destroy or conceal the evidence, but L’Estrange found some sheets still wet from the press, and later he obtained the manuscript from which they had been set. In sentencing Twyn to be hanged, drawn and quartered, Lord Chief Justice Hyde told him that he must be made an example for this sort of offence. Two days later, in passing sentence on three other members of the book trade, Hyde again stated the need for ‘examples’:

The Press is grown so common, and Men take the Boldness to print whatever is brought to them, let it concern whom it will; it is high time Examples be made.³

In ferreting out unlicensed publications L’Estrange had behind him a new Act of parliament, usually referred to as the Licensing Act, which came into force on 10 June 1662. This was ‘An Act for preventing the frequent Abuses in printing seditious, treasonable, and unlicensed Books and Pamphlets, and for regulating of Printing and printing Presses’. The preamble to the Act makes it clear why the government believed that such legislation was needed: the nation was still suffering from the poison injected into the body politic in the commonwealth days. By ‘the general licentiousness of the late times many evil disposed persons have been encouraged to print and sell heretical, schismatical, blasphemous, seditious and treasonable books, pamphlets and papers’, thus endangering ‘the peace of these kingdoms’ and raising disaffection to the King and his government. For the future no book or pamphlet was to be printed unless it was first entered, with full details of its content, in the Stationers Register in London, and unless it ‘shall be first lawfully licensed and authorised to be printed by such person and persons only as shall be constituted and appointed to license the same’. Every printer had to put his name to what he printed, and supply the name of the author, if required by the licenser. A further clause provided that journeymen printers should be kept at work: a journeyman printer out of work was the sort of man most likely to turn to illicit printing to earn a living. The penalties for breaking the new law were severe: for a first offence, a suspension for three years; for a second offence, final disablement, together with a fine, imprisonment, or corporal punishment ‘not extending to life or limb’.⁴

An important provision was made to ensure that the Act would be

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effective: warrants might be granted by the principal Secretaries of State 'to search all houses and shops where they shall know, or upon some probable reason suspect any books or papers to be printed, bound or stitched, especially printing houses, booksellers' shops and warehouses, and bookbinders' houses and shops'. It was this clause in the Act that enabled L'Estrange to function so successfully. For the next hundred years the right vested in the Secretaries of State to issue warrants to search for unnamed persons and unspecified books and papers was to remain a source of grievance and controversy. But at last, in 1763, following upon the publication of No. 45 of *The North Briton* and the action brought by John Wilkes against the under-secretary who had authorised the search for and removal of his papers, Lord Chief Justice Pratt declared that, in spite of long precedent, the practice was 'illegal, and contrary to the fundamental principles of the constitution'. In 1766 the House of Commons condemned general warrants.

It is hard for us today to realise that under the Stuarts any criticism of the government could be, and often was in a court of law, interpreted as an attack on the sovereign: on such occasions no real distinction was made between the king's servants and the king himself. On 4 November 1704, for example, John Tutchin was indicted at the Guildhall as 'a seditious person, and a daily inventor and publisher of false news, and horrible and false lies and seditious libels', who made it his business 'the government, and administration of justice under our Lady the Queen to traduce, scandalize and vilify, and our said Lady the Queen, her ministers and officers to bring into suspicion, and the ill opinion of her subjects'. Passages were cited from various issues of Tutchin's periodical *The Observer*, in which he had criticised severely the administration of the Navy and the incompetence of its officers, complained that government offices were frequently given to men of title rather than to men competent in business, and hinted openly that the sad state in which the nation found itself was in large measure due to bribery and corruption by 'French gold'. This was strong stuff, and even today no government could afford to ignore such charges. But what is significant is the way in which the Attorney-General practically equated Tutchin's accusations with treason. 'Here is the highest Reflection on the Government imaginable,' he told the court. 'There can be no Reflection on them that are in Office under Her Majesty, but it must cast some Reflection on the Queen who employs them.' If this seems to be stretching the argument too far, it must be remembered that under Queen Anne – and still more under Charles II and James II – ministers were appointed or dismissed at the will of the sovereign,

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who could thus be said to be more personally responsible for the government of the nation than is so today. At all events Lord Chief Justice Holt made it abundantly clear that criticism of the government of the day by mere journalists was not to be tolerated:

If people should not be called to account for possessing the people with an ill opinion of the government, no government can subsist. For it is very necessary for all governments that the people should have a good opinion of it. And nothing can be worse to any government than to endeavour to procure animosities as to the management of it; this has always been looked upon as a crime, and no government can be safe without it be punished.⁵

On this occasion Tutchin was lucky. He had an able counsel who succeeded in having the trial quashed on a technicality, and the government thought it best to let the charge drop. But any political comment in this period was potentially dangerous, and the more so because no journalist could ever be sure what the government of the day might choose to consider objectionable. Even if he refrained from comment and simply reported what was happening, the newswriter could still be in trouble if, in the government's judgement, some item of news was false, or inflammatory, or a statement of facts that it did not wish to see published. For the greater part of Charles II's reign the periodical press was under strict control, and in the *Gazette* only such news was released as the government thought fit to make known.

So far as news was concerned, steps had been taken to curb 'the general licentiousness of the late times' even before the Licensing Act became law. During the Civil War there had been, on both sides, a remarkable growth of news-books – *Mercuries*, *Diurnals*, *Intelligencers*, *Scouts* and so on – and the various issues that divided the King from his parliament had been fought over in those and in other controversial pamphlets. When the war was over, parliament exercised some censorship of the press, but it was only partially effective, and it was not until 1655 that Cromwell finally clamped down on the news-books. In that year Marchamont Nedham was left in undisputed possession of the field with his two weeklies, *Mercurius Politicus* (Thursdays) and *The Publick Intelligencer* (Mondays), both supervised by John Thurloe, Cromwell's Secretary of State. In the rapidly changing political atmosphere of 1659–60 Nedham took some discreet steps to adapt his news to the new monarchical feeling that was beginning to emerge; but late in March 1660, by order of the Council of State, he was 'discharged from writing or publishing any publique intelligence', and he must have felt it prudent to escape while he could, for soon afterwards he withdrew to Holland.⁶

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London, however, was still left with two news-books. Since 26 December 1659, Henry Muddiman, a protégé of General Monck, had been writing and publishing *The Parliamentary Intelligencer* on Mondays, and this had been followed on 5 January 1660 by Giles Dury's *Mercurius Publicus*, published on Thursdays. In getting rid of Nedham, the Council of State at the same time authorised Muddiman and Dury to take his place as publishers of the news; and *The Parliamentary Intelligencer* (re-named *The Kingdomes Intelligencer* on 7 January 1661) and *Mercurius Publicus* were allowed to continue after the Restoration, by which time Muddiman appears to have taken sole charge of both news-books. Their official or semi-official status was made clear by the words 'Published by Order'; and until the end of August 1663 they provided the only printed news that Englishmen were permitted to buy or to read. A few short-lived periodicals that had sprung up in the early months of 1660 were finally suppressed by order of the Privy Council on 18 July 1660.⁷ The government had shown that it was determined to exercise its authority. While it was still possible for daring men to print unlicensed pamphlets or even books in secret, and for others to sell them surreptitiously, it would have been impracticable to carry on a weekly news-book or newspaper in such circumstances if it were to sell more than a very limited number of copies. Any attempt to 'vend' it openly on the streets would have led at once to the arrest and examination of the hawkers concerned, and in no time at all L'Estrange and his men would have discovered and arrested both printer and publisher.

Henry Muddiman (1629–92) is a notable figure in seventeenth-century journalism to whom justice has only been done in the present century.⁸ We know that he matriculated at St John's College, Cambridge, and later became a schoolmaster. In the uncertain months before the Restoration, when General Monck was looking for someone who could give a favourable interpretation of 'the affairs now in agitation in England, Scotland and Ireland', his brother-in-law Thomas Clarges persuaded Muddiman to give up his schoolmastering and write *The Parliamentary Intelligencer*. Muddiman was a highly methodical man, a lucid and easy writer, and an able organiser who soon established a wide range of correspondents. His news-book was only two weeks old when another very methodical man, Samuel Pepys, met him by chance, and recorded his first impressions of the newswriter:

I found Muddiman a good scholar – an arch rogue – and one that, though he writes news-books for the Parliament, yet he did declare that he did it only to get money; and did talk very basely of many of them.⁹

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When the two men met, Pepys was not quite 27, and Muddiman a few weeks short of his thirtieth birthday. On this occasion Pepys got his facts wrong: Muddiman was not writing for the parliament, but for Monck. This entry in the famous Diary, however, offers one of the few intimate glimpses we have of Muddiman, who normally kept himself so much in the background that it is surprising to find him being described as an 'arch rogue'.

With his monopoly of the printed news, Muddiman's two news-books could not fail to be profitable. He had, however, a more lucrative source of income in the written news-letters that he sent out to subscribers for almost thirty years. Those must be mentioned here, for in a time of rigid press control they enabled news to be circulated that would never have been permitted to appear in print. The written news-letter, multiplied by professional copyists and sent by post to subscribers, had been established in England by the 1630s; but Muddiman brought it to a point of efficiency, both in its contents and its circulation, that it had never reached before. He began with two great advantages. Early in the new reign he was attached to the office of Sir Edward Nicholas, though what his precise duties were is by no means clear. His biographer seems to acknowledge this uncertainty by stating on one page that Muddiman was 'given the task of organizing the correspondence of the [two] Secretaries all over the kingdom', and on another page that he 'arranged' their correspondence.¹⁰ There is evidence that Muddiman felt free to open the domestic correspondence that reached the two Secretaries, and to make abstracts from it, but that he left the foreign letters unopened. In this way he could obtain information for his two news-books and his private news-letters, and also build up a list of correspondents who might supply him with news in the future. Muddiman sent out his news-letters from his own office at the Seven Stars in the Strand near the New Exchange, but invariably headed them 'Whitehall'. The fact that many of the replies he received are now among the State Papers indicates that he passed them on to the under-secretary in Nicholas's office, Joseph Williamson. Other letters were addressed to the under-secretary, but marked 'For Mr. Henry Muddiman'. That Muddiman was asking for and receiving information from some of the subscribers to his news-letter may be instanced by a reply he received from William Duckett, member of parliament for Calne, beginning: 'Sir. In your last you desired me to acquaint you what nonconformists, papists and others were indicted at quarter sessions . . .' It seems to be a reasonable suggestion that 'some of his correspondents, such as the postmasters, probably obtained their news-

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letters at reduced fees on condition of supplying intelligence of what was happening in the neighbourhood of their homes'.¹¹ At all events, by simultaneously serving the government and serving himself, Muddiman built up a large body of subscribers to his news-letter, including peers and members of parliament, postmasters and country booksellers, clergymen and doctors, army officers, merchants, innkeepers and others, mostly living in England, but some in Scotland and Ireland, and even a few abroad.

His first advantage, then, was his easy access to domestic intelligence; his second, that by an order of Secretary Nicholas he had been granted free postage not only for his own letters and news-letters, but for those letters that should be addressed to him. How much this concession was worth to Muddiman is not easy to assess. Most of his subscribers received one news-letter a week, but to some he wrote twice, and to others three times a week. The total number of his subscribers in any given year can only be guessed, but one guess is 'some hundreds'. Since his normal charge for the newsletter service was £5 a year, and his expenses for copying would not have been heavy in the reign of Charles II, he must have become a wealthy man.¹²

A writer of news-letters was not immune from prosecution if what he had written became known and gave offence to the government. But so long as his letters were sent out privately to the limited number of gentlemen who could find £5 a year for this personal service, the government could afford to take the view that was taken over a hundred years later when William Godwin published his revolutionary work *Political Justice*, and was spared from political martyrdom because the government of the day considered that a book published at three guineas was not likely to do much harm. As a government servant Muddiman took care not to circulate news that would be objectionable to the King and his ministers, and he must gradually have learnt from experience how far he could go. However, there was still much of interest that could safely be written, but which it would have been dangerous, and even illegal, to print. On 25 June 1660 the House of Commons had ordered that 'no person whatsoever do presume, at his peril, to print any votes or proceedings of this House, without special leave and order of this House';¹³ and this restriction remained more or less effective until late in the eighteenth century. The order, however, related only to printing, and Muddiman and later writers of news-letters felt able to pass on to their subscribers interesting information about parliamentary proceedings. During the vital debates on the Exclusion Bill in the two sessions of 1680 and 1681, when the *London*

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Gazette ignored the crisis, Muddiman give his readers full reports of what was going on in parliament. On the whole he steered clear of trouble with remarkable success; and when, in 1676, he was summoned to appear before the Privy Council and answer a charge of writing false news, he was able to prove it was not in *his* news-letter that the offending statement had been made.¹⁴

How many competitors he had in the early years after the Restoration it is impossible to say, for although many news-letters have survived among the State Papers or in private collections, they were not signed, and the compilers of news-letters cannot therefore be identified. (Those in the handwriting of Muddiman's clerks can be recognised by his practice of dating them from 'Whitehall'.) In the years of the Popish Plot, however, the circulation of news-letters notably increased, and several of their writers lost their anonymity by coming within the range of the law. Worse still, from the government's point of view, those newsletters were now circulating in the coffee-houses, and filling men's minds with seditious notions which they freely discussed in public. On 23 December 1675 the King had issued a proclamation for the suppression of coffee-houses (a popular but comparatively recent innovation), on the grounds that 'many tradesmen and others do herein misspend much of their time . . . but also for that in such houses divers false, malicious and scandalous reports are devised and spread abroad to the defamation of His Majesty's government'. The unpopularity of this move may have caused the government to think again, for on 8 January 1676 a further proclamation postponed the closing of the coffee-houses till June, but enjoined that the proprietors must give security that they would not allow scandalous papers on their premises. Such warnings usually had an immediate effect, but one that quickly wore off. In September 1677 twenty coffee men appeared before the Council for still having scandalous literature on display, and had their licenses cancelled.¹⁵

Muddiman, however, continued to send out his news-letters without interference until October 1689. Even when the newspaper press had greatly expanded in the reign of Queen Anne, many gentlemen (more especially if they were politically opposed to the government of the day) continued to subscribe to a private news-letter, partly because in that way they could obtain some news that was not 'fit to print', but also because it was a personal service, beginning politely with the word 'Sir', and giving the recipient the pleasant feeling that he was reading his own private correspondence.

Muddiman's two news-books, *The Kingdomes Intelligencer* and *Mercurius Publicus*, came to an end in 1663, not because they were failing

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to give satisfaction, but because Muddiman was forced to make way for the newly-appointed Surveyor of the Press. No salary had been attached to the Surveyorship, but, like so many of the King's servants, L'Estrange was to be paid by the emoluments he could gain from his office. He was now granted Muddiman's sole right to print and publish news ('all narratives not exceeding two sheets of paper, mercuries, diurnals'), and also playbills and the advertisements for quack medicines, etc. In addition, he appears to have exacted one shilling a sheet from all the books he licensed. On Monday, 31 August, L'Estrange brought out the first number of *The Intelligencer*. Published for the Satisfaction of the People, an eight-page news-book, increased in June 1665 to sixteen pages, and followed it on Thursday, 3 September with *The Newes*. Both were published 'With Privilege', and the price was 2d. Muddiman had been requested to help the inexperienced L'Estrange, and he agreed to do so for a payment of £3 a week, which, on L'Estrange's reckoning, was equivalent to more than half the profits from his two news-books.¹⁶ How far Muddiman placed his unique news service at the disposal of L'Estrange it is impossible to tell, but in the event the agreement did not last for long, and L'Estrange was left to his own devices. He was a man of unbounded confidence, who was not in the least intimidated by the responsibility of providing the nation with all the news it was going to get, and he had an easy colloquial style which must have pleased some of his readers and infuriated others. He was never at a loss for something to say; and if he was sometimes short of news he could always fill his news-books with comment of a kind that was agreeable to the King and his ministers. By his own standards he was doing a good job. But in the summer of 1665 he had to cope with a catastrophe that would have dismayed the best of journalists. With the outbreak of the Great Plague the Court had withdrawn from London, to be followed in due course by many government officials; communications were increasingly disrupted, and sources of news began to dry up. It is to L'Estrange's credit that all through the Plague he stayed on in London and kept his news-books going, but only at the price of an inevitable deterioration in the news he offered. In his address to his readers in the first number of *The Intelligencer* he had promised not to 'vamp' his news (that is, not to serve up stale news as if it were fresh), or to be 'so foul a dealer as to make any man pay twice for the same commodity'. But that, increasingly, was what he was now doing. What had already appeared in *The Intelligencer* was now frequently repeated in *The Newes*, and *vice versa*. The final blow came on 16 November 1665, when, with the Court and parliament both removed to Oxford,

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the first number of *The Oxford Gazette* was published. L'Estrange did not give up without a struggle; but by the end of January 1666 both his news-books had ceased publication.

The foundation of *The Oxford Gazette* takes us back to the two Secretaries of State, and more especially to Henry Bennet, Earl of Arlington, who had succeeded Secretary Nicholas in October 1662, and to his under-secretary Joseph Williamson, a man with all Muddiman's application to public affairs, and with a determination to channel as much lucrative business his own way as possible. The foreign correspondence that came to Arlington's office passed regularly through the under-secretary's hands, for the easy-going Arlington 'remitted all to his man Williamson';¹⁷ and the under-secretary began to realise that one way to improve his fortunes would be to bring L'Estrange's two rather amateur news-books to an end, and replace them with an official newspaper, which he himself would control, and from which he could derive most of the profits. How far dissatisfaction with L'Estrange's performance as an official journalist played a part in this move to supplant him it is impossible to say; but his colloquial style may well have grated on the ear of a dedicated civil servant, and his tendency to interpret his duties in terms of propaganda (or, as he put it to Arlington, 'to teaze and persecute the whole rabble of the faction'), rather than to deliver the news in a dignified and impersonal manner, may have played a part.

The first step was to get rid of L'Estrange, and here events played into Williamson's hands. With the King and Court and parliament all settled in Oxford, L'Estrange was isolated in the stricken City, and had been working under great difficulty, since, in his own words, 'the plague came into my own family and, in truth, into most of the houses where I had to do'.¹⁸ Williamson must have felt that the time to act had come. On 16 October 1665 L'Estrange received a letter from Oxford, signed by Lord Arlington but no doubt drafted by his under-secretary, suggesting that it might be a good thing for all concerned, L'Estrange included, if he were now to give up writing his news-books. He would, of course, be appropriately compensated:

I take the freedom to propose to you that, if you will relinquish to me your whole right in the composing and profit of the news-book, I will procure for you in recompense of it a salary from his Majesty of £100 per an. which shall be paid through my hands . . . If I tax it too low you must blame yourself for having told me several times that the duty of it is very burthensome to you and the profit inconsiderable.

Quite unprepared for this sudden blow, L'Estrange wrote in shocked