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Stuart England - Corinne Comstock Weston and Janelle Renfrow Greenberg

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The Grand Controversy over Legal Sovereignty in Stuart England

CORINNE COMSTOCK WESTON

Professor of History, Herbert H. Lehman College
The City University of New York

JANELLE RENFROW GREENBERG

Assistant Professor, Department of History
University of Pittsburgh

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THIS BOOK IS DEDICATED TO

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Preface

A number of people and institutions have facilitated the completion of this study, and we would like to express our appreciation to them. Acknowledgement should be made of two grants to Corinne Comstock Weston from The City University of New York Faculty Research Award Program (1970–71, 1971–72) and grants to Janelle Renfrow Greenberg from the American Bar Foundation (1967) and the Horace H. Rackham School of Graduate Studies, University of Michigan (1965). These made it possible to use the pamphlet collection in the North Library of the British Museum, now the British Library, and the McAlpin Collection in the Union Theological Seminary Library in New York City, to whose gracious and competent staffs thanks are due. To one person in particular we are grateful for the help he so generously gave. Very special thanks must go to Professor Ivan Roots for his scholarly examination of the study while still in typescript and the steady encouragement that aided immeasurably in its publication. The quality of the study was also improved by critical comments from Dr Mark N. Brown and Professor Francis Oakley and as the result of conversations with Dr Ian Roy and Dr M. J. Mendle. Finally, we have received advice and information from Dr Joel Fishman, Professor W. Speed Hill, Professor Peter Karsten, Professor Hugh Kearney, Professor Lois Schwoerer, and Professor Fred Whelan.

Much attention has been given to pamphlet literature in a discussion of what we see as the two leading political ideologies of Stuart England. Sometimes tracts have been deemed important because their authors wrote at the behest of such powerful and representative figures as James, duke of York, or the prominent whig leader, Arthur Capel, earl of Essex, who was one of the earl of Shaftesbury's closest associates. Others merited analysis because

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they seem to have been widely read, as evidenced by frequent citation in contemporary writings or testimony to that effect in such writings and by their appearance in multiple editions. Still another kind of tract was considered worthy of note. Penned by a hack writer or published anonymously, it would seldom enjoy national acclaim; but the number of such tracts is too great to be ignored, their existence indicating a market for this kind of political literature. A sampling of political tracts written to justify or condemn the English civil war and the Glorious Revolution reveals that a majority of them reflect the two major antithetical political ideologies that are central to this study.

A few other items require mention. The dating in this study is new style where the year is given, but the day and the month remain as in the contemporary usage. The spelling in contemporary quotations has been modernized but not the titles of books and pamphlets.

When reference is made in the following pages to the king's dispensing power, that term may encompass as well the suspending power. The two powers are facets of the same royal prerogative; and the distinction between them, drawn for example in the Bill of Rights (1689), seems to have emerged only in the late seventeenth century as contemporary attention centered on the law-making power and its relationship to ideas of legal and political sovereignty.

Corinne Comstock Weston

*Herbert H. Lehman College and
The Graduate Center, The City
University of New York*

Janelle Renfrow Greenberg

University of Pittsburgh