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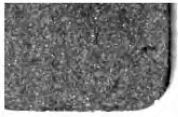
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Baden Levels 1871

T H E
HISTORY OF ENGLAND.

CONTINUED FROM

The Right Honourable
SIR JAMES MACKINTOSH, L.L.D: M. P.

VOLUME THE FIFTH.



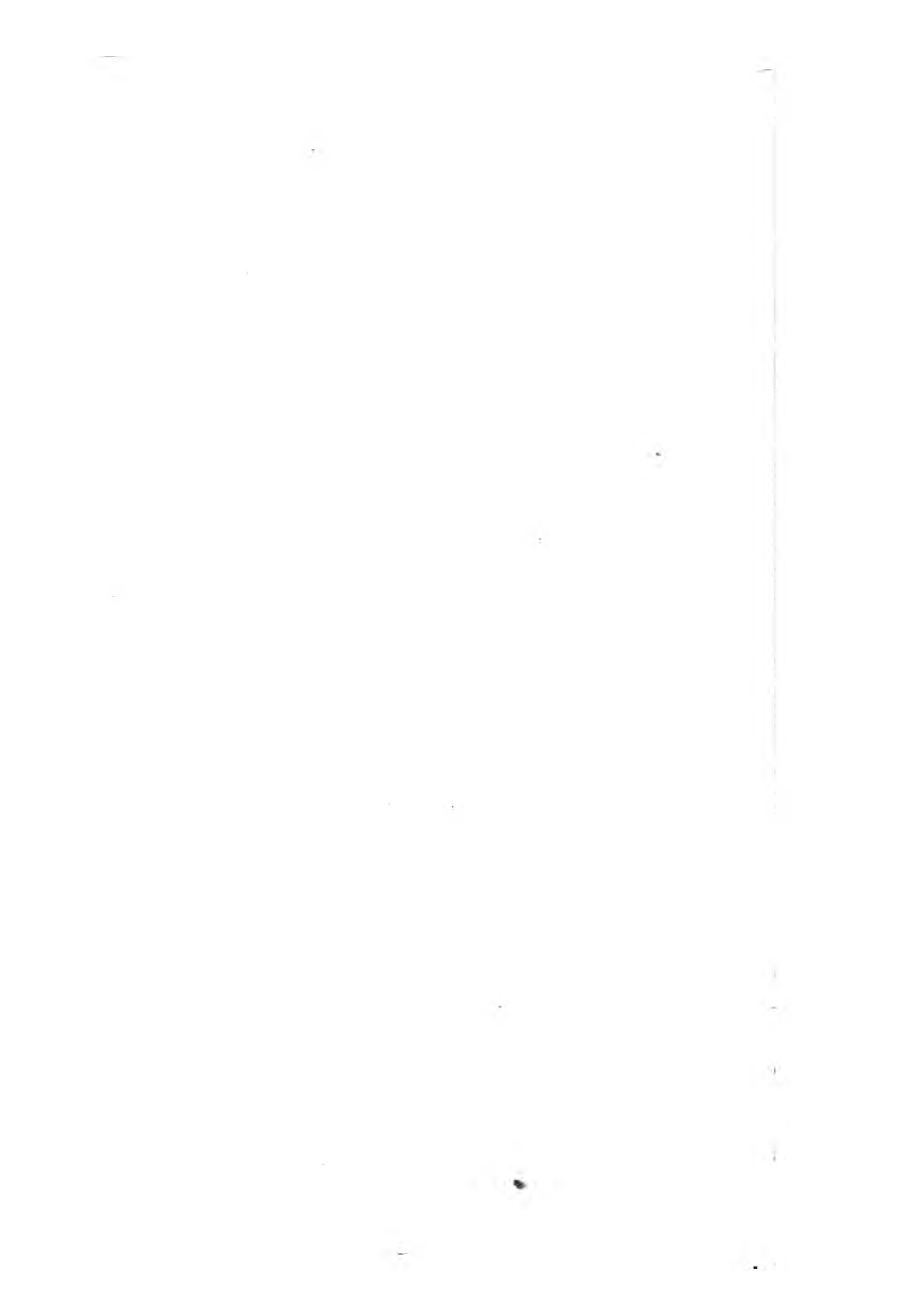
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*Charles the first, receiving his Queen, Henrietta,
on her arrival at Dover.*

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AND JOHN TAYLOR, UPPER GOWER STREET.
1835.



THE
CABINET HISTORY
OF
ENGLAND, SCOTLAND, AND
IRELAND.

BY
THE RIGHT HON. SIR JAMES MACKINTOSH, M.P.
SIR WALTER SCOTT, BART. AND
THOMAS MOORE, ESQ.

ENGLAND.

VOL. V.

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HISTORY

OF

ENGLAND.

CHAP. I.

1625.

CHARLES I.

ACCESSION OF CHARLES I. — HIS MARRIAGE. — BUCKINGHAM'S MISSION. — ARRIVAL OF THE QUEEN HENRIETTA. — FIRST PARLIAMENT OF CHARLES. — ATTACKS OF THE COMMONS UPON BUCKINGHAM. — SUPPLIES AND REDRESS OF GRIEVANCES. — ENGLISH VESSELS SENT AGAINST ROCHELLE. — REFUSAL OF THE CREW. — RICHELIEU. — THE POPULAR LEADERS. — EXPEDITION TO CADIZ. — ITS FAILURE. — SHERIFFS NAMED BY THE KING. — THEIR INELIGIBILITY TO SIT IN PARLIAMENT. — A PARLIAMENT SUMMONED. — BUCKINGHAM AND BISHOP WILLIAMS. — CORONATION.

CHARLES the First, born on the 19th of November, at Dunfermline castle, in Scotland, succeeded to the crown of three kingdoms in the 25th year of his age, on the 27th of March, 1625. Upon being informed that his father had expired, he made it known that he should indulge his grief in seclusion for that day.* Thus early was he familiar with the art of imposing decorum for morality. Arrived next morning at Whitehall, from beside his father's remains at Theobalds, with the attendance only of Dr. Preston, his puritan chaplain, and the duke of Buckingham, his bosom friend †, he reap-

* Carte, iv. 131.

† Fuller, Church Hist. 119. Burnet, Hist. of his own Times, i. 33, 34.

pointed the council and renewed the commissions of the late king. The only change was the nomination of sir Albertus Moreton as secretary of state, in the room of sir George Calvert, disqualified by his avowing himself a Roman catholic, and retired with the title of lord Baltimore.*

Charles, like James, wished to assume the style of king of Great Britain, and directed the lord keeper Williams to consult the judges upon the manner of proceeding. They answered, that consistently with the existing laws it could not be done †, and informed him, that his father, having assumed this style, was induced by the advice of the judges and the parliament to lay it down.‡ Despotism loves unity: in removing distinctions it would crush rights.

One of his first public acts, was to sign as king his marriage contract, which he had already signed as prince, with Henrietta Maria, youngest daughter of Henry IV. and Mary of Medicis, queen mother of France. The ceremony was performed at Paris on the 1st of May — the duke of Chevreuse, of the house of Lorraine, representing his kinsman the bridegroom — and the duke of Buckingham went upon his gallant embassy to bring over the bride.

The Spaniards saw in Buckingham only the man, and estimated him accordingly. In France the gorgeous fopperies of his train, equipages, and apparel §, fascinated the court and the people. When admitted to his first audience of Anne of Austria, queen of Louis XIII. he wore a mantle enriched with a profusion of large pearls so loosely attached that some dropped off at every step. The French courtiers took them up and presented them to him, but he requested they would keep them, “with such a grace, that they could not refuse.”|| Disingenuously all meaner conquests, he made a declaration of love to the young queen of France, and was heard with-

* Whitelock's Memorials, 1.

† Id. *ibid.*

‡ See Ellis's Orig. Lett. iii. 189.

§ Mémoires Inédits du Comte de Brienne, i. Eclaircissements.

out displeasure. He had a rival, who though slighted, was yet formidable — cardinal Richelieu. That famous churchman openly affected intrigues of gallantry.* He frequented the society of Marion de Lorme, the Aspasia of her time, and gave proof of his accomplishments and complaisance to Anne of Austria, by dancing a saraband at her request, in the garb of pantaloon.† The cardinal, impatient of the presence of a favoured rival, hastened the departure of the queen of England. Buckingham, after eight days' stay at the French court, set out with his charge on the 23d of May; went back to Paris, under pretence of a forgotten commission, to take a secret and impassioned leave of the French queen in spite of the jealous cardinal; resumed his journey, and recrossed the sea with the satisfaction of knowing that his passion though rebuked was pitied ‡, arrived at

* “ Il s'habillait,” says Voltaire, “ en cavalier, et après avoir écrit sur la théologie il faisait l'amour en plumet.” See also *Mémoires du Cardinal de Retz*.

† The court ladies laughed at him; the queen ridiculed and disdained him; his love turned to gall; and hence his persecution of that princess directly, and by means of her imbecile spouse. Brienne relates a droll scene, which he says chiefly piqued Richelieu against her. It is worth quoting as a curiosity: —

“ The cardinal was desperately in love with a great princess, and made no secret of it: respect for her memory forbids me to name her. ‘ Son éminence voulut mettre une terme à sa stérilité, mais on l'en remercia civilement.’ The princess and her confidante (Mad. de Chevreuse) loved amusement, at that time at least, as much as intrigue. One day whilst they conversed tête-à-tête, and thought only of laughing at the amorous cardinal, ‘ He is passionately in love with you, madam,’ said the confidante, ‘ and would do any thing to please your majesty. Will you allow me to send him some evening to your chamber, dressed as a jack-pudding, to dance a saraband?’ The princess, young, gay, and, in short, a woman, took the confidante at her word. Richelieu accepted the singular rendez-vous, came, quite secure of his conquest, wearing a pantaloon of green velvet, with bells jingling at his knees, and castanets in his hands, and danced a saraband, which Borcan played on the violin behind a screen. The ladies laughed ‘ à gorge déployée’ (how could they do otherwise? I laugh at it myself after fifty years); the cardinal declared his love in due form; the princess treated it as a farce (pantalonnade). The haughty prelate was so irritated, that ever after his love was changed into hate, and the princess paid but too dearly for the pleasure of seeing an eminence dance.” — *Abridged from Brienne*.

‡ Buckingham took his leave of Anne of Austria, “ piqué seulement,” says Mad. de Motteville, “ de repasser le mer sans autre fruit de son amour que celui d'avoir été favorablement écouté.” But this is not strictly correct; and the adventure of the diamonds, another “ fruit de son amour,” is one of the most curious in the annals of gallantry: —

“ Une seule chose échappa à la reine, qui fut de lui envoyer secrètement, la veille de son départ, par madame de Chevreuse, les ferrets d'aiguillettes de diamans dont elle était parée le jour de sa première audience; et

Dover on the 13th of June, and delivered Henrietta into the arms of her husband.*

ce présent, qui pouvait être un témoignage de la magnificence de la reine, devint, par les circonstances du don, et par l'agrément du mystère, une galanterie dont Buckingham fut charmé....

“ Pendant le voyage de Buckingham, la comtesse de Carlisle, piquée de tout ce qu'elle avait entendu dire de son infidèle, avait trouvé le secret de lier un commerce de lettres avec le cardinal de Richelieu, qui, de son côté, n'avait rien oublié pour augmenter le dépit de la comtesse : c'était le premier homme du monde pour multiplier par toutes sortes de moyens les intelligences qu'il pouvait entretenir dans les cours de l'Europe ; il mettait à cet usage beaucoup d'industrie et beaucoup d'argent. Le don que la reine avait fait de sa parure de ferrets de diamans n'avait pu être si secret, que la comtesse de Lanoy, sa dame d'honneur, n'en eût eu quelque connaissance, et qu'il n'en fût revenu quelque chose au cardinal de Richelieu. Ce ministre cherchait les moyens de perdre la reine dans l'esprit du roi, sur lequel il avait une autorité à la vérité très-grande, mais quelquefois balancée par la reine. Il écrivit à la comtesse de Carlisle de mettre tout en usage pour se raccommoder avec Buckingham, et que si, dans quelque une des fêtes qui se devaient faire à Londres au carnaval prochain, il se parait des ferrets d'aiguillettes de diamans, elle n'oubliât rien pour en couper adroitement quelques uns, et les lui envoyer. Effectivement la comtesse se raccommoda avec Buckingham : les hommes sont faibles, et les agrémens d'une femme que l'on a fort aimée séduisent encore quand on la retrouve douce, et qu'elle veut absolument se faire aimer. Un soir qu'il y avait un grand bal à Windsor, Buckingham parut avec un pourpoint de velours noir en broderie d'or, sur l'épaule duquel, pour tenir le baudrier, il y avait un gros nœud de ruban bleu d'où pendaient douze ferrets d'aiguillettes de diamans. Quand le bal fut fini, et que Buckingham fut retiré, ses valets de chambre s'aperçurent qu'il lui manquait deux aiguillettes, et on lui fit voir qu'elles avaient été coupées. Il ne s'était point aperçu de ce vol, et il crut bien que ceux qui l'avaient fait n'étaient pas d'une condition à l'avouer ni à le restituer. Dès le lendemain matin, il dépêcha des courriers à tous les commandans des ports d'Angleterre, pour les faire fermer, avec ordre de ne laisser parler ni le paquebot ordinaire des lettres, ni aucun bâtiment chargé pour la France. C'était dans une conjoncture où les religionnaires du royaume avaient demandé la protection de l'Angleterre, et où les Rochelois révoltés espéraient des secours que le parlement d'Angleterre leur avait promis, et que le roi Charles 1er aurait eu bien de la peine à empêcher. La nouvelle de cette cessation de commerce et de lettres fit en France un grand éclat, et donna lieu à mille bruits que la guerre allait se déclarer entre les deux royaumes. Cependant le duc de Buckingham employait secrètement tout son crédit et le savoir-faire du meilleur joaillier de Londres, pour trouver des pierreries si semblables aux dix ferrets d'aiguillettes qui lui restaient, que l'on pût refaire les deux qui lui manquaient tout-à-fait conformes aux autres. En effet, dès que cet ouvrage fut achevé, il renvoya

* The following account of their first meeting is given in a letter of her day: — “ She (the queen) arrived at Dover, Sunday, about 8 in the evening ; lay there in the castle that night, whither the king rode on Monday morning from Canterbury, came thither after ten of the clock ; and she then being at meat, he stayed in the presence till she had done, which she, advertised of, made short work, rose, went unto him, kneeled down at his feet, took and kissed his hand. The king took her up in his arms, kissed her, and talking with her, cast down his eyes toward her feet (she seeming higher than report was, reaching to his shoulders), which she soon perceiving discovered, and showed him her shoes, saying to this effect: ‘ Sir, I stand upon mine own feet. I have no helps by art, thus high I am, and I am neither higher nor lower.’ She is nimble and quiet, black-eyed, brown-haired, and, in a word, a brave lady.” — *Ellis, Orig. Lett.* iii. 196, 197.

The personal graces and frank and amiable manners of the French princess appear to have charmed all who approached her. She said to Charles, soon after their first meeting, that her youth and want of acquaintance with English manners would doubtless lead her into errors, and begged that he would always let her know them—but with the reservation, that his admonition should be private, and come only from himself.* He accepted the engagement; did not observe the compact, and had the weakness to make Buckingham the confidant and arbiter of their quarrels. Splendid preparations were made in London for the queen's reception, but abandoned in consequence of the increasing ravages of the plague.† It was ominously remarked, that the accession and marriage of Charles were attended by the same dreadful visitation which marked the accession of his father and his family to the throne.

des courriers pour faire ouvrir les ports d'Angleterre, en dépêcha un en France, qui porta secrètement à madame de Chevreuse les douze ferrets de diamans; il l'instruisit de son aventure, lui faisant part des soupçons qu'il avait jetés sur la comtesse de C—, auprès de qui il avait été au bal, et avec laquelle il avait dansé; et qu'enfin, la priant de rendre à la reine le présent qu'il avait reçu de sa munificence, il suppliait sa majesté de croire qu'il ne s'en détachait que par la crainte qu'il n'y eût en cela quelque mystère caché nuisible à la reine. Cette précaution ne fut pas inutile; car dès que le cardinal de Richelieu eut reçu les deux aiguillettes de diamans que la comtesse de C— lui avait envoyées, ce ministre, qui cherchait en tout les moyens de perdre la reine auprès du roi, dont la jalousie n'avait déjà que trop éclaté à l'occasion de Buckingham, lui mit en tête de prier la reine de se parer des ferrets de diamans qu'il lui avait donnés, ajoutant, qu'il avait eu des avis secrets qu'elle en avait fait assez peu de cas pour les avoir ou donnés ou fait vendre, et qu'un joaillier Anglais lui avait fait offrir de lui en vendre deux. C'était un terrible assassinat, qui retomba sur lui, puisque le roi, ayant exigé avec empressement de la reine de lui faire revoir les mêmes douze ferrets dont il la pria de se parer, la reine, sans nulle affectation et naïvement, fit apporter sa cassette, que le roi ouvrit lui-même, et revit la parure entière que la reine mit ce jour-là. Elle eut même la satisfaction de savoir que le roi avait fait des reproches au cardinal de ses défiances."—*Brienne, Eclaircissements.*

Madame de Motteville has left an account of Buckingham's parting declaration of love to Anne of Austria, who behaved on the occasion with all possible propriety. Miss Aikin, however, in her *Memoirs of the Court of Charles I.*, is of opinion that the faithful waiting woman varnished over the behaviour of her mistress, or (to use madame de Stael's phrase) painted her *en buste*; and, by a serious misapprehension, imagines Buckingham to have conducted himself with a degree of vivacity wholly inconsistent with the situation of the parties, and the text of madame de Motteville. Mr. Brodie is equally severe, and, more figurative upon the memory and weakness (if she was weak) of the French queen. According to him, "an impure flame burned in her bosom."

* Rushworth, i. 170.

† *Id. ibid.*

The partisans of despotism and of Charles I. have urged, in proof of his disposition to govern according to the laws, that, from his impatience to meet parliament, he would have reassembled that of his father, but was informed of its decease with the king who had summoned it. The fact may be admitted and the inference denied. He thought to profit by his sudden access of popularity with the late commons, and their pledge to support a war for the recovery of the palatinate. Charles appears to have associated in his mind hostilities abroad with arbitrary power at home. His reasoning, perhaps, was, that a popular war would at once procure large supplies, and divert the commons and the nation from the redress of grievances and vindication of their liberties.

Writs were issued for a parliament to meet on the 17th of May. The king meanwhile was actively engaged in military preparations. He issued orders for placing the maritime towns in a state of defence, and warrants for raising 10,000 men to recover the palatinate. The levying, equipping, and marching of 10,000 men, of whom 8000 were to rendezvous at Plymouth, the remainder at Hull, required large disbursements. Charles, in the absence of a parliament, gave orders that the charges of "coat and conduct" should be defrayed "by the country," upon an engagement of being reimbursed from the exchequer; and to prevent such outrages as were committed in the preceding year by Mansfeldt's recruits, he proclaimed martial law. He professed in both cases to act "according to the precedent of former times." The proclamation of martial law was, it will be observed, altogether different from the modern mutiny bill: moreover, law martial at that period was but another name for summary execution, not a regular code, to be administered by courts martial; and the right to levy "coat and conduct" was one of the most dangerous of all imposts by prerogative, as it would substantially destroy the king's dependence for the maintenance of an army upon the

supplies and consent of parliament. Accordingly, the leading men of the popular party took umbrage at the power assumed in both cases by the king; and the two questions were agitated by the judges.* Charles could assuredly have produced on his side the warrant of what lawyers call sound law. But this is only one of the numberless proofs of the folly of staking English freedom upon that popular and insidious fallacy,—the ancient English constitution,—or upon any thing but the growing knowledge, rights, and power of the people.

Charles opened his first parliament, after two prorogations, on the 18th of June. It was observed that, though his coronation had not yet taken place, he wore the crown. The observation is worth notice, only as it proves the jealousy and suspicion with which men already viewed every act of the king. His speech, unlike the pedantic and absurd prelections addressed by his father to both houses, was a discourse of business—brief, pertinent, and grave. He chiefly insisted on the pledge of the last parliament to supply the means of recovering the palatinate by force of arms. Sir Thomas Crew having been chosen speaker, both houses proceeded to business, whilst the mortal ravages of the plague kept the death-bells from the neighbouring churches continually tolling in their ears.† Two subsidies and the duties of tonnage and poundage *for one year* were voted by the commons. These duties were granted for the king's life since the time of Henry V.‡, and the lords rejected this part of the bill.

Montague, one of the king's chaplains, republished, upon the king's accession, a book which archbishop Abbot had censured in the preceding year. It produced a ferment in the house of commons. Complaint was made that its Arminian tenets tended to produce heresy and anarchy, contravened the articles of religion, and were designed to reconcile the English nation to

* Whitelock's Memorials, i.

† Carte, iv. 137.

‡ Parl. Hist. ii. 5.

the church of Rome. The author was taken into the custody of the serjeant-at-arms, commanded to appear at the bar of the house of commons, and rescued by the king, who informed the house that it was for him, and not for the commons, to take cognizance of the conduct of his chaplain. The commons asserted their right to take cognizance of the conduct of the chaplain, or any other servant of the king, and required bail in 2000*l.* from Montague before they discharged him.*

The three subsidies and six-fifteenths voted by the late parliament were expended †; it was estimated that to defray the charges of a war would require 700,000*l.* a year; the king had debts, public or personal, incurred by his father or himself, exceeding 600,000*l.*; and to meet these engagements and charges, in the absence of the tonnage and poundage duties, he had only a supply of two subsidies, or about 145,000*l.* Lord Conway, the chief secretary, thanked the commons, in the king's name, for their supply of two subsidies; reminded them of its inadequacy, stated the king's wants, and requested their further counsels.‡ The speech of the secretary dropped still-born; the ravages of the plague continued to increase in London, and the king adjourned the parliament to the 1st of August, when it should be held at Oxford.

The parliament re-assembled accordingly. Both houses were commanded to attend the king in the hall of Christchurch, on the 4th of August. He again represented to them the necessity of further supply, without which, he said, the sums already expended upon the fleet would have been thrown away, the cause of his brother the elector palatine abandoned, and the national honour tarnished. These considerations were urged at greater length by lord Conway and secretary Cooke. The commons, upon returning to their house, applied themselves only to the redress of griev-

* Parl. Hist. ii. 7.

† See the particulars in Carte, iv. 135.; note 3. from Rushworth; and the Journals of the Commons.

‡ Rushworth, i. 174.

ances. Every suggestion of a further subsidy made by the court party was opposed or evaded. The resolute character and bold tone of the chief patriots may be judged from a few words of sir Edward Coke. He denounced new invented offices with large fees; old and useless offices which the king might lawfully, and therefore ought to, take away; multiplicity of offices in one man (meaning Buckingham); the prodigality of the king's household; annuities and pensions from the crown, which should be stopped until the crown was out of debt.* Other members complained of the corrupt sale of offices†; and an inquiry was proposed into the conduct of Buckingham, not only for mal-administration as high-admiral, but for having provoked the war with Spain out of spleen and malice to Olivarez.‡

The voice of the earl of Bristol, and of truth, in spite of the favourite's power and artifices, had by this time made itself heard.

The speech of sir Robert Cotton, the learned antiquary, found among his posthumous papers, affords striking evidence of the fearless tone and high pretensions of the commons.§ A member of the court party, who had rebuked the freedom of speech in the house the day before, was compelled to make submission on his knees at the bar. "Although," says sir Robert Cotton, "the constant wisdom of this house of commons did well and worthily appear in censuring that ill-advised member for trenching so far into their ancient liberties, and might encourage each worthy servant of the public here to offer up freely his counsel and opinion; yet, since these walls cannot conceal from the ears of captious, guilty, and revengeful men without||, the counsel and debates within, I will endeavour, as my clear mind is free from any personal dictate of my own, so to express the honest thoughts

* Parl. Hist. ii. 12.

† Rush. i. 180.

‡ Id. Ibid.

§ See his posthumous works, by Howell; and Parl. Hist. ii. 14.

|| Alluding to Buckingham.

of my heart, and discharge the best care of my trust, as no person shall tax my innocent and public mind, except his conscience shall make him guilty of such crimes as worthily have in parliament impeached others in elder times." After this open defiance of Buckingham, he showed how much fewer abuses had prevailed in the administration of the preceding favourite, Somerset—went back to the cases of capital treason, or high crime, for which the bishop of Wickham, 1 Richard II. ; De la Pole, duke of Suffolk, 28 Henry VI. ; Lyon and Latymer, 50 Edward III. ; Spencer and Gaveston, in the reign of Edward II. ; the duke of Somerset, in that of Edward VI., had been adjudged by parliament; and appealed to the house whether all their several crimes and misdemeanors were not combined in the duke of Buckingham. "So draw you out," he continues, "to the life the image of former kings' extremities. I will tell you what I have found, since this assembly at Oxford, written by a reverend man, twice vice-chancellor of this place: his name was Gascoign—a man that saw the tragedy of De la Pole. He tells you that the revenues of the crown were so rent away by ill counsel, that the king was enforced to live *de tallagiis populi*, and was grown in debt *quinque centena millia librarum*; that his great favourite, in treating a foreign marriage, had lost his master a foreign duchy; that, to work his ends, he had caused the king to adjourn the parliament *in villis et partibus remotis regni*, where few people, *propter defectum hospitii et victualium*, could attend, and by the shifting that assembly from place to place to enforce (I use the author's own words) *illos paucos qui remanebant de communitate regni concedere regi quamvis pessima*. It was," says he, in conclusion, "a speeding article against the bishop of Winchester and his brother, in the time of Edward III., that they engrossed the person of the king from his other lords. It was not forgotten against Gaveston and the Spencers in the time of Edward II. The unhappy ministers of

Richard II., Henry VI., and Edward VI., felt the weight, to their ruin, of the like errors. I hope we shall not complain in parliament again of such. I am glad we have neither just cause nor undutiful dispositions to appoint the king a council to redress those errors in parliament, as those 42 Henry III. We do not desire, as 5 Henry IV., or 29 Henry VI., the removing from about the king any evil counsellors. We do not request a choice by name, as 14 Edward II., 3, 5, 11 Richard II., 8 Henry IV., 31 Henry VI. ; nor to swear them in parliament, as 35 Edward I., 9 Edward II., 5 Richard II. ; or to line them out their directions of rule, 43 Henry III. and 8 Henry VI."

It cannot fail to be observed, that these several disclaimers are but so many disguised menaces of what the commons might do, and would do, if provoked. From the cases above cited, it may be supposed that the crown was rigorously limited and constrained by the so-called ancient constitution ; but they are in reality mere instances of the violent, but warrantable, extremes to which the barons resorted when they found themselves the stronger party in their struggles with the despotic princes of the house of Plantagenet. Having no sufficient security in the institutions or orders of the state, they bound the tyrant hand and foot : when he recovered his force and freedom, he placed his foot upon their necks in return. Antagonist precedents might have been cited for the most unbridled licence of the parliament, and the most arbitrary and absolute power in the crown.

Buckingham, as high admiral, rendered an account of the state of the navy, by the king's orders, to both houses. He made a dexterously gentle complaint of his loss of favour with the commons since he last addressed them, when announcing the rupture of the Spanish treaty. " I can," said he, " make a proof that I am not vindictive — can forgive one of our own nation that concurred with Olivarez, but I am minded to leave that business asleep, which, if it should awake, would

prove a lion to devour him who co-operated with Olivarez."* It is obvious, from these expressions, that Buckingham felt deeply and vindictively the influence of Bristol in rendering him unpopular.

On the 10th of August, the king sent by the chancellor of the exchequer to the commons a message, in which he desired them to consider that his business required a speedy despatch,—that great inconvenience would result from their being touched with the plague,—that he therefore desired a present answer about his supply,—that if such answer were not given, he would take more care of their health than they themselves seemed disposed to take, and make as good a shift for his present occasions as he could. This menace produced a long debate, which ended only in the appointment of a committee to prepare their answer. The result was, a declaration to be presented to the king, setting forth their loyalty and obedience as subjects—their resolution to reform abuses and redress grievances—their readiness to grant all necessary supplies to the king upon his present and all other just occasions, and their prayer that he would regard as slanderers of the people's affection and enemies of the commonwealth all those that should dare to say the contrary.† This declaration was agreed to by the house, and just ordered to be presented to the king, when the commons were abruptly, and without notice, summoned to attend the reading of the king's commission in the house of lords for dissolving the parliament.

The commons, it should be observed, did not absolutely refuse supplies: they were ready to grant them upon the condition of a redress of grievances. Charles would have the supplies without the condition, and, failing in his object, released himself from control by an abrupt dissolution.‡

Such was the inauspicious issue of the parliament with which Charles I. opened his reign. The question

* Rush. i. 189.

† Rush. i. 191.

‡ Rush. i. 190. Parl. Hist. ii. 37

between the king and the memorable parliament of 1640 dates from this period. To judge between them, it is necessary to consider the positions and motives of the respective parties at the outset.

The popularity of Charles and Buckingham at the close of the late reign suddenly and naturally evaporated. It was the effect only of imposture and illusion. The commons and the public were disenchanted by the return of calm judgment, and by the disclosures of the earl of Bristol. It was seen that the Spanish match was broken only to conclude a marriage treaty equally unpopular and less advantageous with France. The trade with Spain, more lucrative than that with France, was lost by it.*

Both houses had presented to the king a joint address "for the advancement of God's true religion and the suppressing the contrary."† He in reply gave them "an assurance of his royal performance thereof."‡ In two days after a jesuit and other Roman catholics received the king's pardon, at the intercession of the French ambassador.§

Pending the negotiations of the French marriage at the close of the late reign, an arrangement had been entered into for the hire of English vessels to the king of France, which he should employ against Genoa, the friend of Spain, and therefore the common enemy of France and England. This arrangement was carried into execution by Charles pending the adjournment. Richelieu, then intent upon crushing the Hugonots, directed the English squadron, consisting of one king's ship and seven merchant vessels, not against Genoa, but against Rochelle. The English sailors, upon discovering the service in which they were to be employed, addressed to captain Pennington, commander of the squadron, a round robin, as it is called, in which they stated that, rather than fight against their brethren, the French protestants, they would return to be hanged for disobedience in

* Coke's Detection.

† Ibid.

‡ Parl. Hist. ii. 18.

§ Rush. i. 180.

England. This curious document was placed, so as to catch his eye, between the leaves of his Bible. The defence made for Charles was, that he contemplated the employment of the English ships according to their original destination, against Genoa. There is no instance in which his falsehood is more manifest. After the design upon Rochelle became apparent and avowed, he sent Pennington his orders to place the squadron at the disposal of the French, and, if necessary, compel the obedience of the crew by extreme means, "even to sinking."* Of the king's council, however, Buckingham alone was entrusted with the secret.†

Various circumstances thus combined to indispose the commons to grant a supply. But a cause more powerful than all these—a principle of higher order—actuated the commons of England in the first parliament of Charles I. That great moral agent, public opinion, had grown strong, fearless, and, if not enlightened, yet independent, during the late reign. It was represented at this period in the house of commons by men whose public virtue and political genius would have qualified them to figure in the proudest senate of antiquity;—that noble growth of public men, which was perpetuated in full vigour from the accession of Charles I. to the Restoration, and degenerated thenceforward to the Revolution, when it became extinct. From the glory of their virtues, their talents, and their achievements, proceeds whatever of light and interest may be found in the succeeding pages. It may be proper to name here a few of the leading patriots in the three short parliaments so abruptly and fatally dissolved by Charles within the compass of the first four years of his reign. Among them were sir John Elliott, sir Edwyn Sandys, sir Dudley Digges, sir Francis Seymour, sir Robert Phillips, sir Robert Cotton, Selden, Pym, sir Thomas Wentworth, afterwards the apostate and ill-fated earl of Strafford,

* Ludlow's Letters, p. 7. edit. 1812. Rush. i. 176. Whitelock's Memorials, p. 2.

† Whitelock's Memorials, p. 2.

sir Edward Coke, who, being refused an audience by Charles*, abandoned the court for ever, and made atonement for his sins against justice and humanity in his previous career, by devoting to his country, without reserve, the energy of his character, his profound knowledge of the laws, and the regenerate virtue of his old age. These men, thus eminently endowed with the qualities of statesmanship, were further animated by zeal for the protestant religion, which they identified with intellectual freedom; and some of them had received from the perusal of the ancient classics a certain antique, if not republican, cast of sentiment and character.† They formed themselves into a compact band for the execution of a project so worthy of their virtues, and so obvious, in their position, that it would be inferred by the moralist from those premises alone, though every vestige of express evidence were obliterated — that of defining and fixing the uncertain limits of the prerogative, and guaranteeing by clear and strict legislation the precarious liberties of the people. Thus resolved, they refused to grant supplies without a concurrent redress of grievances, or, in other words, a concurrent step in their design to reform the government. Charles, who thought only of rendering his sovereign power more explicitly absolute, spurned all compromise, and dissolved the parliament.

These patriots could do nothing out of the house of commons: upon the dissolution they rested vigilantly upon their arms. Charles, meanwhile, continued to urge the preparations for war against Spain with a degree of ardour which can scarcely be accounted for by the private resentment and influence of Buckingham, without some cooperating motives in the bosom of the king.

* Coke's Detection, &c. i.

† "They began," says Hobbes, in his "Behemoth," (see "Select Tracts," republished by the late cursitor baron Maseres,) "to search the sense of the Scriptures as they are in the learned languages; and, consequently, studying Greek and Latin, became acquainted with the democratical principles of Aristotle and Cicero, and, from the love of their eloquence, fell in love with their politics."

It was now proved by experience that no war, however popular, would divert the commons from a redress of grievances; but there is no express evidence to charge upon him the design of turning against the laws and liberties of the people the armed force which would be placed at his disposal by a war. He went to Plymouth in order to encourage in person the maritime armament* — concluded a league, offensive and defensive, with the states-general against the emperor, and sent Buckingham and Holland to the Hague, where a congress was held, with the view to a general league against the house of Austria.† The alliance was finally concluded only on the part of England, the states-general, and Denmark. The ministers of France, Sweden, Savoy, the elector of Brandenburg, and Bethlem Gabor, waiwode of Transylvania, declined on various pretences being formal parties, but promised their aid.

The English armament, consisting of eighty ships, large and small, and carrying on board 5000 mariners and 10,000 soldiers‡, required considerable funds to enable it to put to sea. Charles resorted to loans upon privy seals. As a preparatory soothing to the religious feelings of the nation, he issued proclamations for disarming papists and recalling their children from foreign seminaries, and, at the same time, commanded by proclamation the return of all his subjects serving the archduchess and king of Spain. His first step towards obtaining a loan was to address a circular to the lieutenants of counties, directing them to make a return of such persons as were able to lend, and what amount. This return being made, he sent forth his privy seals individually to the persons whose names it set forth.§ They were in substance forced loans.

* Carte, iv. 141.

† Roe's Negotiations, 464, &c.

‡ Rush. i. 196.

§ Some idea may be formed of this levy from the following extract: —

“ Pursuant to this privy seal, the moneys required were generally according to this proportion following, viz. “ For the West Riding of Yorkshire. Sir Thomas Wentworth, 20*l.*; Sir Fr. Fuljam, 20*l.*; Sir John Jackson, 20*l.*; Sir Edw. Osburne, 30*l.*; Godfrey Copley, esq. 15*l.*; Sir Ralph Hansby, 15*l.*; Robert Portington, esq. 10*l.*; Steven Bright, esq. 10*l.*;

The collectors had orders to return the names of those who refused to lend, or complied reluctantly. He sent privy seals not only to his subjects, but to alien merchants: the latter peremptorily refused them.* He levied the duties of tonnage and poundage voted by the commons for one year only, and for that reason, it has been observed, stopped in the house of lords. Buckingham was charged not only with his diplomatic mission to the Hague, but with the king's plate and jewels, upon which he was to raise money among the Dutch. The fleet, by great exertions, in the difficult situation to which Charles had reduced himself, was enabled to put to sea from Plymouth on the 3d and 4th of October, under the command of sir Edward Cecil, who had served with the English auxiliaries in the Low Countries — an officer of more experience than reputation or capacity.

There were inauspicious murmurs when the fleet was about to sail. The seamen expected to be commanded by sir Robert Mansel.† The public censured Buckingham, the high admiral, because he did not command in person an expedition the secret of which he concealed from the rest of the council.‡ Cecil was created viscount Wimbledon on the occasion; but this imposing dignity added little or nothing to the confidence of the fleet in its commander, and the chances of success.

The fleet, dispersed and damaged by foul weather, rendezvoused off Cape St. Vincent on the 19th. Wimbledon's orders were in substance the same as those given by Elizabeth to the commanders of her expeditions against Spain — to destroy the shipping and stores in the Spanish harbours, lie in wait for the Spanish plate fleet, and not engage in desperate enterprises from motives either of cupidity or glory. A council of

George Westby, esq. 10*l.*; Sir John Ramsden, 15*l.*; John Armitage, esq. 15*l.*; John West, esq. 10*l.*; John Key, esq. 13*l.* 10*s.*; Sir Henry Savil, 30*l.*; Sir John Savil, 15*l.*; Philip Hungate, esq. 15*l.*; Wid. Armitage, 10*l.*; Ursula Wentworth, 10*l.* &c. (Rush. i. 445.)

* Strafford Papers, i. 28.

† Rushworth, i. 195.

‡ Whitelock's Memorials, p. 2.

war, held in pursuance of the instructions of the commander-in-chief, decided upon sailing directly for the Bay of Cadiz. Arrived at Port St. Mary, Wimbledon, after the example of the memorable capture of Cadiz by the English, in 1596, began by attacking the fort of Puntal; which was accordingly battered for a day without success. Sir John Burgh landed next morning with 1000 men, and the fort, upon which no impression had been made by the naval batteries, surrendered upon summons without firing a gun. The Spanish ships meanwhile secured themselves further up the harbour, under the guns of Port Real, from the English fleet.

The next step after the taking of Puntal was to destroy the bridge which connects the island with the main land, and attack Cadiz. This operation had been readily executed by the gallant earl of Essex, in 1596. Wimbledon had not proceeded far on his way to the bridge when his troops broke into wine cellars, and soon became a drunken, disorderly, unmanageable rabble. He abandoned the idea of attacking Cadiz, and thought of retaining possession of Puntal, with the hope of intercepting the Spanish plate fleet, but found his men in such a state of insubordination and disease, as to render even this attempt unadvisable. He accordingly re-embarked with ignominy, and after having waited eighteen days in expectation of the plate fleet, which appeared four days after he sailed, arrived at Plymouth about the middle of December.

The nation was indignant at this disastrous failure, and the unhappy commander was hooted on his return. By some it was ascribed to want of energy and prudence in him *; by others to the mutinous and party spirit of his officers, more especially Essex, the son of him who had formerly signalised himself by the capture of Cadiz. † Essex and other officers accused him before the council, and were accused by him in return. ‡ The inquiry had no result.

The irregular levies of revenue employed by Charles

* Rush. i. 196. Whitelock's Memorials, p. 3.

† Carte, iv. 143, 154, 155.

‡ Rush. i. 197.

were as unproductive as those of his father. He was reduced to the distresses of the late reign, even in his household. Debts and pensions, the salaries of his officers, the wages of his domestics, were unpaid. * At Salisbury he was obliged to borrow for his table 2000*l.* from the town, on the bonds of the treasurer and chancellor of the exchequer. †

There is no ground for asserting, though there may be for conjecturing, that Charles, when he dismissed the last parliament, and plunged eagerly into war, had concerted with Buckingham a scheme for turning foreign victory to his advantage against the essential privilege of the commons, and the property of the subject; but it is manifest, from an instruction of the commander-in-chief, that the king expected at least to reimburse the charges of the expedition by the plunder of Spanish maritime towns. He was directed "to save the wealth of any town that was taken towards the charge of the fleet." ‡

The disgraceful failure of the expedition put an end to his designs and hopes, whatever they may have been. He was driven within the short space of a few months to have recourse again to parliament.

His purpose summoning a parliament was suspected. It was inferred from his appointing several of the leading commoners who opposed the court sheriffs of their respective counties, in order thus to render them incapable of serving in parliament. The members thus distinguished were, sir Francis Seymour, sir Robert Phillips, sir Grey Palmer, sir William Fleetwood, sir Edward Coke, sir Thomas Wentworth. Coke maintained that they might serve for other counties or boroughs beyond the sphere of their duty as sheriffs; and Seymour and Phillips proposed to act upon his authority. They, however, did not press the question, probably from the refusal of Wentworth to enter into an election arrangement proposed to him by Seymour. § Wentworth, guided by

* Sidney, Lett. ii. 363.

† Rym. Fœd. 18—181.

‡ Ibid.

§ Straf. Pap. i. 30.

his own instincts, or by the counsels of his father-in-law, Hollis, earl of Clare, seemed resolved at first not to serve the people beyond the possibility of forgiveness by the court. Lord Clare suggested to him that "it was not good to stand within the distance of absolute power; that they were in a country where the *lex laquens* was above book-law*;" and Wentworth writes to another correspondent, that "it was with him an invariable rule never to contend with the prerogative *out of parliament.*" †

Another obstacle to the return of the marked patriots, was the danger to which the boroughs electing them would subject their charters. ‡

It is scarcely necessary to suggest how unsettled the constitution, how undefined the prerogative, how imperative the duty of reforming the government and restraining the crown, when, in the minds of such men as Wentworth and Clare, the king's word was the transcendant law, the corporate franchise was at the mercy of the sovereign, and no prudent subject would dispute with the crown, unless shielded by the privileges of an assembled parliament.

Charles himself selected and named the seven marked sheriffs.§ Going over the names, he observed in passing, that "sir Thomas Wentworth was an honest gentleman ||;" either as an artifice to gain him over, or from a perception of his character and presentiment of his apostacy.

Coke gave in to the council board four exceptions to the sheriffs' oath, of which one was admitted, and the following article struck out of the oath, in pursuance of the unanimous opinion of the judges; viz.: "You shall do all your pain and diligence to destroy, and make to cease, all manner of heresies and errors commonly called *Lollardies* within your baylwick, from time to time to all power, and assist and be helping to all ordinaries and commissioners of the holy church." ¶

* Straf. Pap. i. 31.

† Ibid. p. 31.

‡ Id. ibid.

§ Ibid. p. 33.

¶ Ibid. p. 29.

¶ Rush. i. 198.

The preservation of this article in the sheriffs' oath, is one of the many proofs how fondly the protestant church of England cherished the provisions and pretensions by which the church of Rome made the civil magistrate its passive instrument in forcing religious conformity.

Among the chief incidents which preceded the meeting of Charles's second parliament, was the disgrace and removal of the lord keeper, Williams. Buckingham, who had an implacable sense of even slight injuries, never forgot Williams's share in the intrigue against him during his absence in Spain. The lord keeper, upon the accession of Charles, thought to maintain his equilibrium by his own management and adroitness, without dependence upon the favourite. He came to a secret understanding with the opposition lords, by way of governing the balance between the opposition and the court, and veiled his manœuvres under an air of frank zeal for the safety and interests of Buckingham, even at the risk of offending him.

The first leading question upon which he opposed Buckingham in the council, was the adjournment of parliament from Westminster to Oxford. He urged, that the commons would meet at Oxford in a bad temper; that it was not the usage to vote subsidies twice in the same session; that it was imprudent to offend the commons, and hazard a refusal in the first year of the king's reign. Buckingham impatiently replied, that the public advantage must overrule the opinion of one man; from which it appears that Williams stood alone in the council. The bishop, thus foiled in the council, had the hardihood to attempt to countermine the favourite, by telling the king in a private audience, that Buckingham's enemies in the commons had their charges against him prepared, and would produce them at Oxford; that "the hectic" would pass away during a prorogation to the ensuing Christmas, through his interference and influence in the mean time with "the chief sticklers." This supple, adroit, and bold in-

triguer, who must have known Charles well, evidently judged, that to obtain the ascendant over Buckingham, he had only to make it apparent to their master, that he was, of the two, the more useful court instrument. "But why," said Charles, "do you conceal this from Buckingham?" "Good sir," replied the bishop, "fain would I begin at that end, but he will not hear me with patience." Buckingham was informed by Charles of what had passed. He defied "the bishop and his confederates to do their worst, assured the king that when he should confront his enemies at Oxford, they durst not question him, and carried the opinion of the king and council for an adjournment."

It has been seen that the prediction of the lord keeper was verified ; but, as in other cases, the prophet had his share in bringing his prediction to pass. Yet Williams, during the heat of attack upon Buckingham in the commons, presented himself at Woodstock to the enraged favourite as a counsellor and friend, with an air of the utmost innocence, and the most frank zeal for his service. The duke, in answer to a long speech of the bishop *, simply replied, with a menacing look,

* The speech, as given by bishop Hacket, expresses the character of Williams to the life, blending sagacious views and bold truths with perfidious artifice. "My lord," said he, "I am come unsent for, and I fear to displease you : yet because your grace made me, I must and will serve you ; though you are one that will destroy that which you made. Let me perish ; yet I deserve to perish ten times, if I were not as earnest as any friend your grace hath, to save you from perishing. The sword is the cause of a wound, but the buckler is in fault if it do not defend the body. You brought the two houses hither, my lord, against my counsel ; my suspicion is confirmed that your grace will suffer for it. What's now to be done, but to wind up a session quickly ? The occasion is for you, because two colleges in the university and eight houses in the town are visited with the plague. Let the members be promised fairly and friendly, that they may meet again after Christmas : requite the injuries done to you with benefits, not revenge ; for no man that is wise will show himself angry with the people of England. I have more to say, but no more than I have said to your grace above a year past at Whitehall. Confer one or two of your great places upon your falsest friends, so shall you go less in envy, and not less in power. Great necessities will excuse hard proposals and horrid counsels. St. Austin says it was a Punic proverb in his country : ' Ut habeas quietum tempus perde aliquid.' At the close of the sessions, declare yourself to be forwardest to serve the king and commonwealth, and to give the parliament satisfaction. Fear them not when they meet again in the same body, whose ill affections I expect to mitigate : but if you proceed, trust me with your cause in the house of lords, and I will lay my life upon it I will preserve you from sentence, or the least dishonour.

“I will look to whom I trust,” and rushed out of the room.* Williams, upon the dissolution of parliament, was commanded to absent himself from the counsel, but continued nominally lord keeper until the following November †, when he was succeeded by sir Thomas Coventry.

The king issued writs for the meeting of parliament 1626. on the 6th of February, and announced that his coronation should take place at Christmas. The latter was postponed to the succeeding 2d of February, and Charles meanwhile issued his proclamation commanding all persons possessed of an estate in lands of 40*l.* a year or more, and not being knights, to come in and receive the order of knighthood. This proclamation, of which the object was revenue by knights' service or by composition, failed of its purpose, and was called in question as a matter of right. If ancient precedents constituted right, there can be no doubt of the king's. ‡ But the value of money had fallen; the constituent elements and frame of the community, social and political, were no longer the same; the barons, with their feudal vassals and turbulent freedom, had disappeared; the progress of time had called into existence a new power paramount—the English people. Charles, unhappily for him, would not acknowledge this new, legitimate, and resistless power.

The plague having ceased with the close of the year, orders were issued for a public and general thanksgiving. Its ravages were dreadful. The mortality in

This is my advice, my lord; if you like it not, truth in the end will find an advocate to defend it.”

* Thus far Hacket bishop of Lichfield, in his *Life of Williams*. Rushworth says (i. 198.), that Williams, being rebuked by Buckingham for siding with his enemies, replied, that “he was engaged with the earl of Pembroke to labour the redress of the people's grievances, and he was resolved to stand upon his own legs;” that Buckingham rejoined, “If that be your resolution, look you stand fast;” and so they parted. This is discredited by Roger Coke and others, as inconsistent with Hacket's account, and with the general tenor of Williams's relations with Buckingham. It is directly negatived in a letter of Williams to Buckingham, which will be presently cited.

† *Sidney Papers*, ii. 364.

‡ See the series of authorities on the subject in *Carte*, iv. 148.

London and the suburbs during the preceding year was 54,265, of which number 35,417 died of plague.*

It was the duty of Williams to officiate at the approaching coronation as dean of Westminster: his court disgrace excluded him from the king's presence, and he did not scruple to address a letter of abject solicitation to Buckingham, for permission to act in the ceremonial. "I do," said he, "most humbly beseech your grace to crown so many of your grace's former favours, and to receive a creature of your own struck dead only with your displeasure (but no other discontentment in the universal world), by bringing me to kiss his majesty's hand, with whom I took leave in no disfavour at all. I was never brought into the presence of a king by any saint beside yourself; turn me not over, most noble lord, to offer my prayers at new altars." †

The bishop's profane and grovelling prayer was of no avail — his place was filled by Laud. That famous prelate, now established in the favour of Buckingham and the king, was selected from the prebendaries of Westminster to act for the dean, and was charged with the chief direction of the ceremonial. It took place on the 2d of February, in Westminster Hall. The king went by the river from Whitehall, and sir Robert Cotton was in waiting to receive him at Cotton Stairs, with the four Evangelists in Latin of the time of Athelstane, upon which, for several hundred years, the kings of England had taken their coronation oath. ‡ The antiquary was disappointed by the king's landing at the Parliament Stairs. § Some impediments occurring from the want of preparation at the latter, Buckingham, who acted as lord constable for the day, "taking," says sir Symonds D'Ewes, "the right hand of

* Rush. i. 199.

† Ellis's Orig. Lett. iii. 255. New series (see note (1), p. 37.

‡ Letter of Sir Symonds D'Ewes, in Ellis's Orig. Lett. iii. 215.

§ Sir Symonds D'Ewes states, on the authority of Cotton himself, that the king's not landing at the usual place was contrived by Buckingham, as a mortification to Cotton for a MS. piece supposed to be written by him, and coinciding in substance with the speech referred to in a former page.

him, going up the stairs, and putting forth his left to bear up the king, he putting it by with his right hand helped the duke, and with a smiling countenance told him, 'I have as much need to help you as you to assist me.' I dare say (continues sir Symonds) he meant it plainly, yet searching brains might pick much from it.' From this expression and many other circumstances it may be inferred that Buckingham, whilst he governed Charles as absolutely as his father, by different and opposite arts, had the skill to do so without appearing in any other relation than one of implicit dependence on his master's favour, and implicit obedience to his will. He governed the weakness, whilst he flattered the pride of a prince in whom these two qualities were united.

When Charles was presented bareheaded to the people as their lawful and lineal king, they remained silent. Arundel, the lord marshal, bade them cry "God save king Charles!" upon which, "as ashamed of their first oversight, a little shouting followed." * This ominous silence of the people was reconciled by various suppositions with the court notions of a beloved sovereign: "the presence of so dear a king," it was said, among other flatteries, "drew admiring silence;" but the real fact was, that Charles, instead of being an object of public confidence and affection, was regarded with jealous distrust as a prince governed by a favourite, and aiming at the subversion of every security for liberty and property.

Some alterations made by Laud, but with the concurrence of Abbott and other bishops, waked the suspicions of the puritans, and were afterwards made matter of charge against the former prelate. †

* Lett. of Sir S. D'Ewes, before cited.

† "The additions in the form consisted chiefly in one prayer or request to him in the behalf of the clergy, and the clause of another prayer for him to Almighty God; the last of which was thought to have ascribed too much power to the king, the first to themselves, especially by the advancing of the bishops and clergy above the laity. The prayer or request which was made to him followed after the unction, and was this, viz.

"Stand, and hold fast from henceforth the place to which you have been heir by the succession of your forefathers, being now delivered to you by the authority of Almighty God, and by the hands of us and all the bishops

The queen was not even present at the ceremony. She scrupled not only being crowned by a protestant bishop, but being present at the protestant coronation of her husband. Their mutual discontents, which had already begun, were not without their influence. She despised Charles, whilst she unwillingly submitted to his power and the ascendant of Buckingham; and she only despised him still more, when, after the death of the favourite, she had an undivided ascendant over him.

and servants of God; and as you see the clergy to come nearer to the altar than others, so remember that in place convenient you give them greater honour; that the mediator of God and man may establish you in the kingly throne, to be the mediator between the clergy and the laity, that you may reign for ever with Jesus Christ, the King of kings and Lord of lords, who, with the Father and the Holy Ghost, liveth and reigneth for ever. Amen."

The clause of that prayer which was made for him had been intermitted since the time of king Henry VI., and was this that followeth; viz.

"Let him obtain favour for the people, like Aaron in the tabernacle, Elisha in the waters, Zacharias in the temple; give him Peter's key of discipline, and Paul's doctrine."

Which clause had been omitted in times of popery, as intimating more ecclesiastical jurisdiction to be given to our kings than the popes allowed of; and, for the same reason, was now quarrelled at by the puritan faction." — *Heylin's Life of Laud*, p. 146.

It was also remarked, that Charles was clad in white, against the usage of his predecessors, who appeared in purple. "And this he did (says Heylin, p. 138.), not out of any necessity for want of purple velvet enough to make a suite (for he had many yards of it in his outward garment), but at his own choice only, to declare that virgin purity, with which he came to be espoused unto his kingdom. White (as we know) is the colour of the saints, who are represented to us in white robes by St. John in the Revelation; and purple is the imperial and regal colour so proper heretofore unto kings and emperours, that many of the Constantinopolitan emperours were called *Porphyrogenites*, because at their first coming into the world they were wrapt in purple. And this some looked on also as an ill presage, that the king, laying aside his purple — the robe of majesty, — should clothe himself in white, the robe of innocence; as if thereby it were fore-signified that he should divest himself of that regal majesty which might and would have kept him safe from affront and scorn, to rely wholly on the innocence of a virtuous life, which did expose him finally to calamitous ruine."

CHAP. II.

1626.

MEETING OF PARLIAMENT. — ITS CHARACTER AND PROCEEDINGS. — THE POPULAR LEADERS. — INFLUENCE OF LAUD. — REDRESS OF GRIEVANCES. — INDIGNATION OF THE KING. — IMPEACHMENT OF BUCKINGHAM. — NOY, SELDEN, WENTWORTH, ELLIOT. — SPEECHES OF THE KING AND LORD KEEPER TO BOTH HOUSES. — THE COMMONS DEBATE WITH CLOSED DOORS. — BUCKINGHAM'S DEFENCE. — RIGHT OF ADJOURNMENT. — BUCKINGHAM AND BRISTOL. — SPANISH MATCH. — COUNTER IMPEACHMENTS. — INTERPOSITION OF THE KING. — PRIVILEGES OF THE PEERS. — IMPEACHMENT OF BUCKINGHAM. — MEMBERS ARRESTED. — SPEECH OF THE VICE-CHAMBERLAIN. — RELEASE OF THE IMPRISONED MEMBERS. — PRIVILEGES OF THE COMMONS. — VINDICATION OF BUCKINGHAM. — REMONSTRANCE OF THE COMMONS. — DISSOLUTION. — PARTIES. — DISSENSIONS OF THE KING AND QUEEN. — DISCHARGE OF THE QUEEN'S FRENCH SERVANTS. — WAR WITH FRANCE.

THE new parliament met on the 6th of February. Charles opened the session with a few words of form, and referred, for the business of their meeting, to the lord keeper, who should address them at large.* The first official speech of the new lord keeper Coventry was made up of the ordinary common-places of court flattery and high prerogative. The speaker, sir Heneage Finch, recorder of London, and serjeant-at-law, upon being presented by the commons, responded to the king in the same strain of personal adulation, but in a somewhat lower tone of prerogative doctrine.

The proceedings of three several parliaments, assembled within the short period of the first three years of the reign of Charles I., have every element of historic interest. Records of battles and sieges possess but a vulgar and barren interest compared with them. They

* He gave, as his reason, that "he knew he was not very good to speak much." Charles I. had an organic impediment of speech, which made public speaking irksome to him.

developed the principles of English liberty and the traits of English character; they form an instructive and exciting stage in the desultory march of the nation towards the important but imperfect and oblique settlement of the constitution in 1688. It is right, therefore, that even in the compass of these pages those proceedings should be treated at some length.

The first act of the house of commons was, an order that each member should receive the sacrament: it was done as a test of protestantism, not as a matter of devotion.

The notion may suggest itself here, and in other passages, that this horror and hatred of popery are inconsistent with the political genius and accomplishments attributed to the leaders of the patriot party in the house of commons. Upon taking into account two circumstances, the seeming contradiction will disappear: first, the large aggregate of the nameless people — without the moral array or direct exercise of whose numerical force the ablest band of individual patriots can achieve nothing against tyrannic power — regarded popery as a religious leprosy, adhering to the person in this world, to the spirit beyond the grave. The legislator, with the elevation of his position, with the sanctity of his mission, compounds with the infirmities of the people: he gives them not the best laws which in his wisdom he could frame, but the best which they can endure. How much more warrantable, or rather imperative, the concessions made by party leaders to the volunteer masses of physical and moral force, without whose aid their efforts would be worse than useless. Next, this was essentially the religious age of England: wise and learned men had a deep sense of religious ethics as a necessary element of good government. They abhorred the Roman catholics, not for their dogmas, but for their popery, a word which to them signified not only a principle, but a power hostile and dangerous to freedom. The rigour which they exercised towards the Arminianism of Montague should be viewed in the same light. Such men as Selden, Pym, Elliot, St. John,

doubtless well knew that the dispute turned upon points of school divinity, which divided the theologians of the church of Rome itself, from St. Thomas Aquinas to the Molinists and Jansenists ; and that in Holland the Arminian was the patriot and republican party, opposed to the usurpations of the house of Orange. But in England, Arminianism was the mask of a design to re-establish church power and priestcraft in alliance with prerogative, and thus render the king absolute.

Laud, the great patron of Arminianism, already possessed the favour of the king and Buckingham, and gave sufficient indication of his aspiring genius as a churchman. He was as yet, however, but in the infancy of his power, with the dignity only of bishop of St. David's, and it would be premature to ask the question, whether he intended reconciliation to the church of Rome (as it was already suspected and imputed to him), or to exalt the church of England into an analogous authority. His influence, however, was not decisive or very considerable. It was his advice to the king and Buckingham, that Montague should be supported against the commons: they made up their minds, or Buckingham his, to sacrifice the obnoxious chaplain. Laud prophetically exclaimed, " I seem to see a cloud arising and threatening the church of England. God, for his mercy, dissipate it."* It may be added, by anticipation, that the proceedings against Montague, in this session, were abandoned at the threshold. This case had no longer the same importance to the commons when the shield of prerogative was no longer interposed to protect him, and they were engaged in the pursuit of a higher quarry.

The opening movements of the commons would have startled a stronger mind than that of Charles, if but ordinarily sagacious. They divided themselves into sections, for the purposes of severe and comprehensive inquiry. Two standing committees were appointed ; one for secret affairs, the other for grievances — and both

* Rush. i. 199.

were to meet two days in each week through the session. The compass of investigation may be estimated from a few heads: as "the king's constant revenue," under which are expressly stated several abuses of prodigality or malversation; "the condition of the subject in his freedom," including new impositions*, monopolies, and the levy of tonnage and poundage without the authority of parliament; "what sums granted, how expended, and *by whose advice*, during the last three years?" This last branch embraced "the king's treasury, the employment of the military and naval forces of the kingdom in the Palatinate, at Cadiz, and in the narrow seas.

It will be remembered that at the close of the late reign the prince and the favourite, in their paroxysm of popular favour, stripped the crown of the essential powers of the executive, the receipt and disbursement of the revenue, and the making peace or war, and transferred them to the house of commons.† They most probably thought that they were playing upon the commons for their purposes; but the leaders in the last parliament of James — men of experience and capacity — were little likely to be played upon by such vulgar qualifications as the bad faith of Charles, and the audacity of the duke of Buckingham: the two latter could not fail to discover now the full extent of their mistake. Charles gave vent to his indignation at the freedom with which the committees of the house of commons examined papers and persons. The reply of the commons was, that they but examined the accounts of the receivers of the revenue and the administration of the council of war, which were both of their appointment.‡

Every inquiry, every malversation, every defeat and disgrace was traced to Buckingham, and the commons avowed their purpose of seeking justice upon "the great

* "Impositions by prerogative of *old* customs rated easily by the book of rates . . . customs enhanced by the new book of rates." (Rush. i. 207.) Thus it would appear that, even in the second parliament of Charles, the commons complained, not of the exercise, but the *abuse* of impositions by prerogative. Such was the ancient English constitution!

† See the concluding chapter of the last volume.

‡ Parl. Hist. ii. 47.

delinquent." Here, again, the king and the favourite were the victims of their own arts; the impeachment of Middlesex was a precedent too clear and recent for any evasion, and it was their own act.

The commons' committees proceeded in their inquiries, and made several reports, in every material point of which they criminated the favourite. Charles addressed a letter to the speaker, reminding the commons that he assembled them for the purpose of obtaining a supply, letting them know that he would not accept a supply inadequate to his wants, and promising a redress of grievances *after* the supply should be granted. The commons, in reply, declared their purpose and readiness to vote sufficient supplies, but connected with redress of grievances.* Charles, in answer to their address, affected to be well pleased, "for your clause," said he, "of preventing of grievances, I take it to be but a parenthesis in your speech, and not a condition." This was a dextrous turn, especially as the commons could not rejoin or explain, and their silence would be a sort of forced assent to his construction of their words. As he proceeds, however, he throws aside the mask, and addresses them in the language of undisguised and ungracious despotism: "I must let you know," said he, "that I will not allow any of my servants to be questioned amongst you, much less such as are of eminent place and near unto me. The old question was, What shall be done to the man whom the king will honour? but now it hath been the labour of some to seek what may be done against him whom the king thinks fit to honour. I see you especially aim at the duke of Buckingham. I wonder what hath so altered your affection towards him. I do well remember, in the last parliament of my father's time What he hath done since to alter and change your minds I wot not†, but can

* Rush. i. 214—217.

† This question is well answered in the following note of Bishop Warburton, *Clar. v. i. p. 11. l. 5.*: "In the space of a few weeks, *without any visible cause intervening, &c.* How could the historian say that, when the visible cause was, the parliaments detecting the numerous falsehoods with which the duke imposed upon them at the conference concerning the Spanish match?"

assure you, he hath not meddled or done any thing concerning the public or commonwealth but by special directions and appointment, and as my servant* I wish you would hasten my supply, or else it will be worse for yourselves ; for if any ill happen, I think I shall be the last shall feel it."

Let the reader here glance back for an instant, upon the giant stride which the commons had made in the assertion of privilege and sense of power since the time of Elizabeth, whilst Charles addresses them in a tone as arbitrary and despotic as ever was employed by that imperious princess. The consequences are obvious and inevitable.

The commons, unawed by this rebuke, appear to have proceeded with increased vehemence against Buckingham. "It were better," said Mr. Clement Coke, son of sir Edward, "to die by an enemy, than to suffer at home." Six queries, expressly crimiating the duke, were submitted to the house by Dr. Turner, a physician, who grounded them only upon common fame.† The king, by a message to the house, called its attention to the language of Coke, and the queries of Turner, as examples which he could not suffer in the case of the meanest of his servants, "much less one so near unto himself," expressing his wonder that "any should have the foolish impudence to think he should be drawn, out

* This despotic principle, that the king's command was in all cases a sufficient warrant, runs through the long series of this prince's errors : — but once admitting passive obedience, it was a necessary protection for the subject.

† The following were the queries proposed : —

"1. Whether the duke, being admiral, be not the cause of the loss of the king's royalty in the narrow seas ?

"2. Whether the unreasonable, exorbitant, and immense gifts of money and lands bestowed on the duke and his kindred, be not the cause of impairing the king's revenue, and impoverishing the crown ?

"3. Whether the multiplicity of offices conferred upon the duke, and others depending upon him (whereof they were not capable), be not the cause of the evil government of this kingdom ?

"4. Whether recusants in general, by a kind of connivancy, be not borne out and increased by reason of the duke's mother and father-in-law being known papists ?

"5. Whether the sale of honours, offices, and places of judicature, and ecclesiastical livings and promotions (a scandal and hurt to the kingdom) be not through the duke ?

"6. Whether the duke's staying at home, being admiral and general in the fleet of the sea and land army, were not the cause of the bad success and overthrow of that action, and whether he did give good direction for that design ?"

(All these are famed to be so.

of any end, to offer a sacrifice so unworthy the greatness of a king, and master of such a servant." He, however, left to the house the punishment of the delinquents: these rather vindicated than excused themselves, and were not even reprimanded.

Charles, in the foregoing message, told the commons, not only that he would not sacrifice Buckingham "out of any end," that is, even for a supply, but that it was impudence on their part to expect it. They yet proceeded to debate Dr. Turner's queries, decided that "common fame" was a good ground of accusation, and voted a supply of three subsidies, but with the significant proviso, that the subsidy bill should not be brought in until they should have received an answer to their grievances.* Among those who argued that common fame was a good ground of proceeding were Noy, Selden, sir Thomas Wentworth, and sir John Elliot, all, but especially the first two, high authorities.

There is, however, something fearfully uncertain in such a ground of accusation, and no less startling are some of the arguments used to support it. It was said, that without admitting it no great culprit could be brought to justice, and that it was admitted by the civil law and the canons.† But in this, as in many similar cases, it is to be recollected, that there was as yet no English constitutional jurisprudence; hence, vicious analogies were brought to the support of a good cause.

Sir John Elliot assailed the favourite with his wonted ardour and eloquence. "Are not," said he, "honours sold and made despicable? Are not judicial places sold? And do not they then sell justice again? *Vendere jure potest — emerat ille prius*. I shall, to our present case, cite two precedents: the first is 16 Henry 3. The treasure was then much exhausted, many disorders complained of, the king wronged by some ministers, many subsidies were then demanded in parliament, but they were denied, and then the lords and commons joined to desire the king to reassume the lands which were improvidently

* Parl. Hist. ii. 56

† Whit. Mem. 3.

granted, and to examine his great officers, and the causes of those evils which the people then suffered. This was yielded unto by the king, and Hugo de Burgo was found faulty and was displaced, and then the commons, in the same parliament, gave supply. The second precedent was in the tenth year of Richard II. . . . The commons denied supply, and complained that their monies were misemployed, that the earl of Suffolk then overruled all, and so their answer was, '*they could not give*'. . . . The king, upon the petition of the lords and commons, granted that examination should be taken of the crown lands which were sold, of the ordering of his household, and the disposition of the jewels of his grandfather and father. I hear nothing said in this house of our jewels, nor will I speak of them, but I could wish that they were within these walls."* Buckingham, it will be remembered, had raised money upon the crown jewels by the king's order, in Holland. Scarcely a voice was heard in his defence, and the commons sent him notice of their proceedings against him. The king once more interposed; he desired that both houses should attend him at Whitehall on the following day (March 24.), and ordered that the commons should stop their proceedings in the mean time. Upon their attending accordingly, the king, on his throne, thanked the lords, rebuked the commons, and referred them to the lord keeper: this officer stated to the commons in detail the grounds of the king's displeasure, and his commands. "His majesty," says he, "doth not forget that the parliament is his council, and therefore ought to have the liberty of a *council*, but his majesty understands the difference between counsel and *control*." This proposition of the lord keeper Coventry is equivalent to the assertion that the votes of parliament were but mere counsel, which the king might adopt or reject at his discretion. Having rebuked the commons in the king's

* Rush. i. 220. Whit. Mem. 3. This remarkable speech, which is to be found in Rushworth, and among the pamphlets of the time, has been overlooked by the editor of the parliamentary history.

name for the impunity of Coke and Turner, he stated it to be "his majesty's express and final commandment, that they yield obedience to those commandments formerly received, and cease this unparliamentary inquisition;" that their vote of supply was insufficient; censured their having made the redress of grievances a condition, not a parenthesis, as it appeared—told them the king would not accept an inadequate subsidy, and with a condition which dishonoured him—that they must either comply or expect to be dissolved; and that they should return their final answer by the following Saturday. The king again addressed them: "Remember," said he, "that parliaments are altogether in my power for their calling, sitting, or dissolution; therefore, as I find the fruits of them good or evil, they are to continue or not to be." This went beyond the tone even of Elizabeth: that despotic princess, whilst she told parliament it was the creature of her breath, was yet too prudent, and, it may be added, too much imbued with English history, to hold out the unvarnished menace of abolishing parliaments.

The commons retired to deliberate, with their door locked and the key placed in the hands of the speaker.* What passed in this sitting has not transpired. The patriot leaders, with the king's menace in their ears, must have apprehended nothing short of a conflict with the crown for the liberties of the nation. Charles and Buckingham, however, took fright at the meeting of the house with locked doors, and for the moment conjured the storm.† The king directed the lords to hold a conference with the commons, for the purpose of allowing Buckingham to quiet the latter by explanations. Buckingham, under the pretence of removing misapprehensions, retracted some of the obnoxious passages in the speeches of the lord keeper and the king; disclaimed on the part of the king binding the commons to their answer by a given day; declared the king's willingness to accept such amount as they should be willing to give, but

* Whitelock's Memorials, 4. Rush, 1. 225.

† Ibid.

advised them to grant largely ; said, it was not the king's intention to interrupt their proceedings respecting grievances, and that he proposed to submit to a secret committee of both houses those "defects of his estate which were not fit for the eyes of a multitude."

Buckingham took this occasion of entering into an elaborate vindication of himself, and was followed by his creature lord Conway, who eulogised his administration and vouched for his truth.* The commons, upon receiving a report of this conference, agreed upon a remonstrance to the king, under colour of an address in reply to his and the lord keeper's speeches. — In it they reasserted every right which the king and the keeper had denied or menaced in their speeches. "Concerning," said they, "your majesty's servants, and namely the duke of Buckingham, we humbly beseech your majesty to be informed by us your faithful commons, who can have no private end but your majesty's service, and the good of our country, that it hath been the ancient, constant, and undoubted right and usage of parliaments to question and complain of all persons, of what degree soever, found grievous to the commonwealth in abusing the power and trust committed to them by their sovereign." This address was presented to the king by a committee, and read to him by secretary Cooke. He postponed his answer, and desired that the house would adjourn for a few days over the Easter week, as the lords had done. The commons, eager in the pursuit of Buckingham, and suspecting that the proposed adjournment was an artifice to defeat them, debated the question. The adjournment was agreed to by a majority of only 150 to 120. One

* One of the accusations against Buckingham was, that he directed the administration of public affairs in the late reign without communicating with the other members of the king's council. His defence may be estimated from the following question and answer : —

"Thereupon the duke asked the question, whether anything was done by single council ?

"To which the lord Conway answered, 'No ; for the treaty of Denmark, project of count Mansfield, treaties with France, and the business of the navy, were done all by the king himself ; and who can say it was done by single council, when king James commanded it, whose council every man ought to reverence, especially in matters of war, whereunto that king was not hasty ?'" — *Rush. l. 232.*

motive of the debate and division may have been to confirm the right of the commons exclusively to adjourn themselves. The question had been raised a short time before, whether the king might not adjourn the houses, as well as prorogue or dissolve the parliament, at his pleasure.

Whilst the commons were marshalling their charges against Buckingham, he was assailed in the house of lords. One of their first resolutions ordered that no peer thenceforth should have more than two proxies. It was looked upon as ominous to the favourite who had fourteen in his hands.* The opposition in that house at the close of the late reign, consisting of a small band who affected popularity, and advocated freedom, seems to have dissolved. That of the present session was formed of different persons, and animated by a different spirit — hatred of the favourite. Arundel the earl marshal was proud, Buckingham was insolent; they met in the house of peers, the council and the court, and they became enemies. Pembroke the lord chamberlain, who had long been as much the enemy of Buckingham, originally his creature, as of Somerset, whom he enabled Buckingham to supplant, hazarded and incurred the king's displeasure by visiting, with his brother Montgomery, the earl of Bristol in his court disgrace and retirement at Sherbourne castle.† Bristol, deprived of all hope of justice by the death of James, yet of fearless character, and trusting perhaps to the state of public affairs and parties for his safety, ventured once more to assert his innocence and his rights. He petitioned the king for his writ of summons to the then approaching parliament. Lord Conway, by the king's order, proposed to him a compromise, to which it appears from a second letter of the secretary that he gave an evasive answer. The proposed compromise is stated in this second letter of lord Conway.‡ “The question,” says he, “propounded to your lordship from his majesty was plain and clear,—Whether you did

* Carte, Gen. Hist. iv. 154.

† Sid. Pap. ii. 360, &c.

‡ Rush. i. 234. Parl. Hist. ii. 72.

rather choose to sit still without being questioned for any errors passed in your negotiations in Spain, and enjoy the benefit of the last gracious pardon granted in parliament, whereof you may have the benefit, or whether, for the clearing of your innocency (whereof yourself and your friends are so confident), you will be content to waive the advantage of that pardon, and put yourself into a legal way of examination for the trial thereof." This was of a piece with the previous attempts of Charles and Buckingham to silence Bristol by inveigling or intimidating him into a confession, as they expressed it, "of his fault." It will be recollected* that they tried to abuse the power and the weakness of the late king to extort such an admission. Bristol reasserted his innocence and the privileges of his peerage; but claimed the benefit of the two pardons of the 21st of the late and the 1st of the present king on his coronation; and petitioned the lords for their mediation with the king to obtain him his writ of summons; — he set forth at the same time his two years' privation of liberty without trial, and his readiness to abide a trial by his peers. The lords, in pursuance of the report of a committee of privileges, petitioned the king to grant writs of summons to the earl of Bristol and such other lords as had not received their writs — unless in case of incapacitation by legal judgment.† Buckingham upon this informed the house that the king had sent his summons to the earl of Bristol, and at the same time read a copy of a remarkable letter addressed in the preceding January by the king to the earl. "We cannot but wonder," says Charles, "that you should through forgetfulness make a request to us of favour, as if you stood evenly capable of it, when you know what your behaviour in Spain deserved of us, which you are to examine by the observations we made and know: you will remember, how at our first coming into Spain, taking upon yourself to be so wise as to foresee our intention of changing our religion, you were so far from dissuading us, that you

* See the last chap. of Vol. IV.

† Rush. i. 236.

offered your advice and secrecy to concur in it, and in many other conferences pressing how convenient it was to be a Roman catholic."

This was a repetition more circumstantial and direct of one of the twenty interrogatories framed by the prince and Buckingham, and satisfactorily answered by Bristol in the late reign. The variance between the letter and interrogatory would alone raise a strong presumption of the falsehood of the charge and of the perfidy of Charles. The interrogatory was worded as follows:— "Whether did you think it the way for the greatness of England to have the king thereof under the obedience of the church of Rome, or did you ever judge it convenient and requisite for the prince himself, in contemplation of that match, to conform himself to the Roman catholic religion?" This question, it will be observed, is but an inquisitorial search into his secret conscience.* But Charles was not yet king, and James, with all his weakness, resisted the influence and artifices of his son

* Bristol answered as follows:—

"Saith, he never did, nor doth think it the way, for the greatness of England, to have the kings thereof under the obedience of the church of Rome; and he is very much grieved that any such interrogatory should be asked him, having, all the days of his life, and in all places, lived and approved himself a protestant, and never having done publicly or privately any act that was not suitable to the same profession. He further saith, that in all his foreign employments, for the space of fourteen years, of more than 500 persons of all qualities that have attended him, there was never any one perverted in his religion, save two Irish footmen, who in England had been bred papists; and if his majesty be pleased to take further information, he humbly beseecheth his majesty to send for not only Dr. Mew and Dr. Wren, the prince's chaplains, which were with him in Spain, but for Mr. Sandford, one of the prebends of Canterbury, Mr. Boswell, parson of St. Lawrence, London, and Frewyne, deputy reader in Magdalen College, in Oxford, who have all been his chaplains in Spain; as likewise such catholics as are known to have been long his ancient acquaintance and friends, and to examine them upon oath, whether, either publicly or privately, either in Spain or England, they have known him, in any kind, to make show, or so much as to forbear upon all occasions avowedly to declare the religion he professeth; and therefore he humbly beseecheth, if that out of any discourse or argument he held pro or con upon misunderstanding or mistaking of arguments, any information hath been given, or any assertion made, whereupon that interrogatory may have been grounded, his majesty will cause the said accusations to be set down in writing, and he will not fail therein to give his majesty full and entire satisfaction. To the second part of this interrogatory he saith, he did never either invite, by persuasion of his own, or by procuring conference of others, the prince to be a Roman catholic; nor did he judge it convenient and requisite for his highness (in contemplation of that match), to conform himself to the Roman catholic religion, or to any part belonging to it."—*Hard. St. Pap.* i. 506.

and his minion to ruin an innocent and meritorious public servant.

The lord keeper had, in point of fact, sent the earl of Bristol his writ of summons ; but accompanied with the king's order that he should forbear his personal attendance in parliament, and continue under the same restriction as before. Bristol took ten days to consider his answer, and, doubtless, concert his measures.* His first act was resolute and decisive. He again petitioned the house of lords, thanking them for their mediation ; but informing them that with his writ of summons he had received from the lord keeper the king's orders to forbear his attendance, suggesting how far this trenched on the liberty and safety of the peers, annexing to his petition copies of the lord keeper's letter and his answer, and finally praying, " that having been for the space of two years highly wronged in point of his liberty and honour by many sinister aspersions which have been cast upon him without being permitted to answer for himself, which had been done by the power and industry of the duke of Buckingham, to keep him from the presence of his majesty and the parliament, lest he should discover many crimes concerning the said duke : he therefore most humbly besought that he might be heard both in point of his wrong and of his accusation

* The lord keeper's letter is dated March 31.—Bristol's answer, April 12. (Rush. i 238, 239.). Two days may be allowed for the conveyance of the former to Sherbourne. Bristol thus puts his case, in reply to the lord keeper : —

" May it please your lordship,

" I have received your lordship's letter of the 31st of March, and with it his majesty's writ of summons for the parliament ; in the one his majesty commandeth me, that all excuses set aside, upon my faith and allegiance I fail not to come and attend his majesty, and this under the great seal of England. In the other, as in a letter missive, his majesty's pleasure is intimated by your lordship, that my personal attendance should be forborne : I must crave leave ingeniously to confess unto your lordship, that I want judgment rightly to direct myself in this case ; as, likewise, that I am ignorant how far this may trench upon the privileges of the peers of this land, and upon mine and their safety hereafter. For if the writ be not obeyed, the law calleth it a misprision, and highly fineable, whereof we have had late examples ; and a missive letter being avowed or not, is to be doubted would not be adjudged a sufficient discharge against the great seal of England. On the other side, if the letter be not obeyed, a peer may *de facto* be committed upon a contempt in the interim, and the question cleared afterwards : so that in this case it is above mine abilities."

of the said duke." Charles instantly threw himself between Buckingham and his assailant. He identified himself with the culprit, and instead of holding the royal balance of justice between two subjects, even in decorous seeming, betrayed the temper and bias of a tyrant and a partisan. On the 21st of April the lord keeper delivered a message from the king to the house of lords, stating, that the king had heard of a petition to their house from the earl of Bristol so void of duty and respect to him that he had great cause to punish him, and "signifying his royal pleasure that the earl of Bristol be sent for as a delinquent to answer in that house for his offences committed in his negotiations *before* his majesty's being in Spain, *whilst* his majesty was in Spain, and *since* since his majesty's coming from Spain; his scandalising the duke of Buckingham immediately, and his majesty by reflection, with whose privity and by whose directions the duke did guide his actions, and without which he did nothing." The royal message concluded by stating that the several charges would be made against Bristol by the king's orders before their house.

The house of lords now became the arena of these two counter-accusations. The scene is interesting, both in a political and a moral view. Sir Robert Heath, the king's attorney-general, appeared at the bar to exhibit a charge of high treason and other crimes in nine articles against the earl of Bristol, and began to read his first article. The earl, who stood as a culprit at the bar, by his side, immediately interrupted him, and begged the house first to receive his charge both against the duke of Buckingham and the lord Conway, and not invalidate his testimony against them, by the king's charge against him; and that the duke of Buckingham, whom he accused, should be placed in the same situation with himself as to personal restraint and custody. This request being complied with, he exhibited twelve articles of charge against the duke of Buckingham, and eleven against lord Conway. The lords decided that the king's charge against Bristol should have precedence, "yet so

that the earl's testimony against the duke be not prevented, prejudiced, or impeached," and that the earl might remain in custody only of the usher of the black rod.

These counter-accusations were placed on the table of the house. The main charges against Bristol were, as already stated in the king's letter, his having persuaded the prince to renounce protestantism for popery in Spain, and his having presented a calumnious and scandalous petition to the house of lords. Bristol, on the other hand, charged Buckingham with plotting with Gondemar to bring the prince into Spain for the purpose of his becoming a papist; his conforming to popish rites, and his scandalous depravity in Spain; his abusing the late king and both houses of parliament with a false relation of his negotiation on his return. The articles against the secretary, lord Conway, amounted only to misdemeanors, committed by him as the creature of the duke, to the injury of the earl, and incapacitating him to act between them as a judge. Bristol asked the attorney-general who was the relater—that is, the prosecuting witness* was told in reply that the prosecution was commanded, and some of the charges dictated, *by the king*, and said, in rejoinder, "that he would not contend with his sovereign, but that it might be of dangerous consequence if the king should be accuser, judge, witness, and have the confiscation."*

Charles now came forward with an utter disregard of decency as well as justice. On the 2d of May the lord keeper delivered to the lords a message from the king, setting forth that he had taken notice of the articles exhibited by the earl of Bristol against the duke of Buckingham; that in many of them he could, of his own knowledge, exculpate the duke; that one charge, that which impeached the duke's narrative to both houses, touched him (the king), who had vouched for its truth; that the earl of Bristol, after

* Whit. Mem. 5.

† Ibid.

two years' silence, had made these charges only to re-criminate; and that he trusted confidently the lords "would not equal the duke and the earl by a proceeding *pari passu*." This message failed of its desired effect upon the lords, each of whom saw that Bristol's case might next, or the same day, become his own.

The king and Buckingham now made an iniquitous attempt to remove the case of Bristol from the house of lords to the king's bench, where he could have no counsel, no witness against the crown, no knowledge of the evidence against him. The lords would not allow his case to be taken out of their jurisdiction; for if allowed by them, "the innocent might be condemned, and the case be that of any peer*;" and that Bristol, once arraigned in the king's bench, could not be a witness against Buckingham. This last reason was a direct rebuke of the king's purpose.

It must appear strange that the danger to innocence, without either counsel or witness, in the king's bench, should have been thought worth consideration only as it affected the privileged caste, and still more strange that an anomaly so flagrant was maintained so long.

The lords, in vindicating their jurisdiction over Bristol's case, consulted and acted under the opinion of the judges, to whom they put the two following further questions: — "Whether the king may be a witness in case of treason?" and "whether in this (Bristol's) case he may be a witness or not, admitting the treason done with his privity?" Before the judges had time to answer, they received from the king "a message and command" to give no opinion on the general question, as he could not discern the consequences which might happen to the prejudice of the rights of his crown, "which he would not suffer to be diminished in his time," but with permission to advise on any particular point. The chief justice reported the king's commands to the house, and the matter ended.†

* Rush. i. 267.

† Ibid. 269.

Here the suspicion must arise that Charles's jealousy of any general maxim of legal right or parliamentary privilege was awakened and enlightened by an adviser more crafty and informed than Buckingham—the lord keeper Coventry. So vigilant was the king, that he declared the allowance of counsel to Bristol contrary to the fundamental laws of the realm; with which laws, however, he would, in this instance, dispense as a matter of grace.* The lords, it will be remembered, had, in the case of the earl of Middlesex, 21 Jac., come to a resolution that a peer impeached at their bar should have the aid of counsel.† They reminded the king of this resolution, and of his having been himself (then prince of Wales) a party to it by his vote. He rejoined, by a message through the lord keeper, that the resolution in the case of Middlesex applied only to causes criminal, not capital; but that in treason and felony counsel could be allowed only by the king's licence.

Bristol, on the 18th of May, delivered elaborate answers, in writing, to the several charges against him. The only articles even bordering upon the crime of treason were those which charged him with persuading the prince to abjure protestantism for popery, and being well affected to Spain. The latter involved a variety of details no longer interesting; his answer to the former was only a more circumstantial repetition of that which he had given to the corresponding interrogatory.‡

* Ibid. 268. Lords' Journ. May 13. 1626.

† The following message from the king on this subject is recorded in the journals: — "Whereas the earl of Bristol hath made request to the house for consent to be allowed to plead his cause, his majesty understands that the not using counsel for the defendant in cases of treason and felony, is an ancient and fundamental law of this kingdom, and therefore his majesty desireth that, forasmuch as he hath committed this cause to the honour and justice of this house, your lordships would proceed with all caution, that this ancient and fundamental law may receive no prejudice or blemish." — *Lords' Journ.* May 8. 1626.

‡ The reader who compares the following extract from Bristol's answer with Charles's letter to the lords will form his own opinion whether the scene between them at Madrid was falsified by the earl, or distorted and exaggerated by the king: —

"That he doth acknowledge that within few days after his majesty's coming into Spain, whilst he had the great honour to have his majesty

It is obvious that the house of lords shielded Bristol, not merely for the justice of his cause, but for its identity with their own rights and privileges. Charles further provoked them by a still grosser attack upon the peerage in the person of lord Arundel. On the 14th of the preceding March, the earl of Arundel was committed by the king's warrant, without cause assigned, to the Tower. The lords came to a resolution on the subject, with the view to preserve their privileges. Charles, upon this, acquainted them, through the lord keeper, that Arundel was imprisoned for a misdemeanor personal to him (the king), within his proper knowledge, and having no relation to the privileges of the peers. A series of petitions, addresses, messages, and answers followed. The lords at length resolved to do no other business until they were righted in their privileges, and Charles at last, with a bad grace, released the earl marshal.* The result was, that the lords wrested from the reluctant grasp of Charles the privilege that no peer be committed pending the sitting of parliament, but for treason, felony, or breach of the peace, unless by vote of the house.

lodged at his house, and to have so royal a guest, finding by the Spanish ministers that there was a general opinion that his majesty's coming thither was with an intention to become a Roman catholic; and the conde Goudemar having that very morning pressed the earl not to hinder so pious a work (as he termed it) of his majesty's conversion, and seeming to be assured of the duke of Buckingham's assistance therein, his majesty being all alone in a withdrawing-room in the said earl his house, the said earl kneeled unto him, and told him that he had a business to impart unto him, which highly imported his majesty to know, so that he might be assured his boldness therein might be pardoned, which his majesty graciously promised. And thereupon the said earl told his majesty, that the general opinion of the court was, that his majesty's coming into Spain was with an intention to be a Roman catholic, and there to declare it. And he confesseth, that at the same time in regard of those things he had heard, he humbly besought his majesty to deal freely with him as a servant of whose fidelity he might be confident, or words to that effect. But he was so far from persuading his majesty to be a Roman catholic, that, without respecting his majesty's answer, he declared himself to be a protestant, and so should always continue; yet he said he should always serve his majesty, and labour to advance his and the king his father's affairs with as much fidelity and honesty as any catholic whatsoever. And his majesty was pleased then to make unto the said earl a full and clear declaration of his religion, and of his constant resolution therein; and seemed to be much displeased that any should have so unworthy an opinion of him, as to think he would, for a wife, or any other earthly respect whatsoever, so much as waver in his religion." — *Rush*. i. 291.

* See *Lords' Journ.* from Mar. 24. to June 8.; and *Parl. Hist.* ii. 125—132.

The offence of Arundel is said to have been the marriage of his son, lord Maltravers, with the sister of the young duke of Lennox, without leave of the king, who destined her for the son of the duke of Argyle.* But the hostility of Arundel to the favourite, his union with Pembroke and the other enemies of Buckingham †, and his holding six proxies ‡, account much better for the struggles, evasions, and gross pretences by which Charles endeavoured to keep him out of the house of lords pending the impeachments of Buckingham and Bristol.

The commons, meanwhile, prosecuted unremittingly "the great affair," as they called it, of the duke of Buckingham. On the 20th of April they came to a resolution, "that, setting aside all other business, they would proceed in it morning and evening until it was done.§ On the 22d their charges were prepared: they sent a verbal notice of them to the duke, and required that he should make answer to them (if such was his pleasure) within two days. The two members deputed were expressly forbidden "to leave any notes with him."|| Why this injunction was given does not appear. They were apprehensive possibly of committing themselves by written matter with Charles, his prerogative, and his advisers. Buckingham, in a tone remarkably obsequious, replied, that the lords had refused their consent to his answering the charges of the commons. "It was not," he said, "he that refused to answer, but the lords commanded him not to answer."¶ The conciliating and humble dissimulation of this supple courtier** wholly failed. The commons manifested their sense of it by adding a new charge against him. Sergeant Glanville reported to the house, from a committee of inquiry, that the duke of Buckingham had

* Rush. i. 363. Carte, Gen. Hist. iv. 154.

† Lett. of Larkin to Buckingham, Cabala, 296.

‡ Whit. Mem. 6.

§ Journ. Ap. 20. 1626. The order limiting proxies, did not come into operation until the succeeding session.

¶ Ibid. Ap. 22.

¶ Ibid. Ap. 24.

** See report of his answer, Rush, i. 24. Parl. Hist. ii. 100.

applied a plaster and given a drink to the late king on his death-bed, against the orders and in the absence of the attending physicians; that this was "an act of transcendent presumption and dangerous consequence," and that it should be annexed to the other charges. The house next resolved that a fourth subsidy be granted with those previously voted; prepared a bill for granting the duties of tonnage and poundage, together with a remonstrance to the king concerning his taking those duties without consent of parliament; appointed eight managers and sixteen assistants to hold a conference with the lords on the impeachment; and voted by a majority of 225 to 106 that the lords should be moved to commit the duke of Buckingham.* The minority deprecated the proceeding to a division, but the majority insisted.† The eight managers appointed by the commons were sir Dudley Digges, Herbert, Selden, Glanville, Whitelock, Pym, Wandesford, and sir John Elliot. The conference was opened by Digges, who "spoke the prologue," to use the quaint language of the time.‡ He began by stating that the commons, having examined the many evils of the commonwealth, found them "as in a centre, met in one great man, the cause of all, whom (says he) I am here to name — the duke of Buckingham." His speech, abounding with forced and far-sought conceits, is not without vigour and eloquence. After comparing the monarchy to the creation, the commons to the earth, the lords to the fixed stars, the king to "the glorious sun," he called Buckingham a comet, "a prodigious comet (says he), against whom and his irregular ways there are legal articles of charge to be delivered to your lordships, which I am commanded first generally to lay open. The offices of this kingdom (he continues), that are the eyes, the ears, and the hands of this commonwealth, these have been engrossed, bought and sold. Next, honours, those most precious jewels of the crown —

* Parl. Hist. ii. 102. Com. Journ.

† Com. Journ.

‡ Rush. 30?

a treasure inestimable, wherewith your noble ancestors, my lords, were well rewarded for eminent and public service in the commonwealth at home, for brave exploits abroad, when, covered all with dust and blood, they sweat in service for the honour of his crown," &c. He concluded by exhibiting thirteen articles of impeachment, under the following heads, against the duke of Buckingham; viz. plurality of offices; buying the place of high admiral; buying the wardenship of the cinque ports; not guarding the narrow seas; unlawfully and corruptly staying a French ship; extorting 10,000*l.* from the East India company; putting English ships in the hands of the French, to be employed against the protestant Rochellers; compelling lord Roberts to buy his peerage; selling places of judicature; procuring honours for his poor kindred; malversation of the king's revenue; giving physic to the late king.* Selden, Glanville, and Pym enforced the several charges in detail, and "sir John Elliot made the epilogue to the impeachment.† The epilogue is not without characteristic vivacity. "I propose," says he, "the inward character of the duke's mind. I can express it no better than by the beast called by the ancients *stellionatus*, a beast so blurred, so spotted, so full of foul lines, that they knew not what to make of it. So do we find in this man's practice," &c. "Your lordships, (he concludes), have an idea of the man — what he is in himself, what

* The following news of the day, in a contemporary letter, whether correct or otherwise, evidently relates to Digges, and not to Glanville:—

"I hear that the commons, having chosen a committee of eight (each having two assistants) to deliver some fourteen articles against him unto the lords, Mr. Glanville and another appointed to speak. Mr. Glanville compared the parliament unto the universe, the upper house to the stars, the commons to the lower world, the king to the sun. That the stars received light from the sun, the house of commons from them; but, alas! the firmament was become dim, and the stars sent but little light, by reason of a great blazing comet, which kept the light of the sun from them. His exordium being done, and he now in the business, the duke so jeered and fleered him, that he was fain, after some patience, to convert his speech to the duke with these or the like words: 'My lord, do you jeer me! are these things to be jeered at? My lord, I can show you when a man of a greater blood than your lordship, as high in place and power, and as deep in the favour of the king as you, hath been hanged for as small a crime as the least of these articles contain.'"—*Ellis's Lett.* iii. 225.

† Whit. Mem. 6.

in his affections. You have seen his power, and some, I fear, have felt it. You have known his practice and heard the effects. What is he in reference to the king and the state? To the king, a canker in his treasure; to the state, a moth to all goodness. I can hardly find him a parallel; none so like him as Sejanus, thus described by Tacitus,—*audax, sui obtegens, in alios criminator, juxta adulator et superbus*: for his pride and flattery it is noted of Sejanus that he did *clientes suos provinciis adornare*. Doth not this man the like? Ask England, Scotland, and Ireland, and they will tell you. Sejanus's pride was so excessive, as Tacitus saith, he neglected all council, mixed his business and service with the prince, and was often styled *imperatoris laborum socius*. My lords, I have done; you see the man: by him came all these evils; in him we find the cause; on him we expect the remedies; and to this we met your lordships in conference." The conference broke up, the managers reported it to their respective houses, and the articles of impeachment against the duke of Buckingham were laid on the table of the house of lords.*

Next day but one, sir Dudley Digges and sir John Elliot were called out of the house, taken into custody, and confined in the Tower. It was suspected that the parliament was about to be dissolved by the advice of Buckingham. "The duke," says the writer of the letter before cited, "being in the bedchamber privately with the king, his majesty was overheard (as they talk) to use these words: 'What can I do more?

* There is, in Rushworth (i. 356, 357.), a paper "privately conveyed to the king," containing several suggestions in favour of Buckingham, with reference to the impeachment. The following is the only material suggestion: "That, since the time of Henry VI., these parliamentary discouragements might never be suffered, as being but certain symptoms of subsequent rebellion, civil wars, and the dethroning our king; and no one patriot daring to oppose them, lest he incur the reputation of a fool or a coward in his country's cause. His majesty therefore strengthened himself ever with some favourite, in whom he might better trust than many of the nobility, tainted with this desire of oligarchy." It may be suspected, from this paper, that Buckingham and his friends were not quite secure of the king.

I have engaged mine honour to mine uncle of Denmark and other princes. *I have in a manner lost the love of my subjects*, and what wouldst thou have me do?' Whence some think the duke moved the king to dissolve the parliament."*

Those expressions of Charles, if really uttered by him, prove a fact of much more historic importance than the question of the dissolution and the influence of Buckingham; namely, that this ill-fated prince, instead of being deluded by others, or by himself, as to the real feeling of the nation, knowingly sacrificed the affection of his subjects to his despotic pride, unenlightened obstinacy, and obnoxious favourite. The hackneyed excuse for the misconduct of princes, that the truth had not reached them, or that they misjudged, is rarely, if ever, just.

Charles at the same time communicated in person to the lords his imprisonment of the members of the house of commons. "I have thought fit," says he, "to punish some insolent speeches lately spoken. I have been too remiss hitherto in not punishing such speeches as concern myself, not that I was greedy of their monies, but that Buckingham, through his importunity, would not suffer me to take notice of them, lest he might be thought to have set me on, that he might come the forwarder to his trial. And to approve his innocency as touching the matters against him, I myself can be a witness to clear him in every one of them." Whilst the king thus outraged the forms of procedure and the decencies of justice by undue influence and improper evidence—whilst the commons were demanding that Buckingham, a culprit under two impeachments, should be placed in custody †, the duke, as if in defiance of justice and his accusers, stood beside him. ‡

* Ellis's Lett. iii. 227.

† Rush. i. 357.

‡ Ellis's Orig. Lett. iii. 227. According to this letter (Mead to Stuteville), the lords also had petitioned the king to place the duke in custody; but this does not appear in the journals, or in Rushworth.

The commons were thrown into a ferment by the violation of their privileges. They deliberated with closed doors, and resolved to proceed to no other business until they obtained redress.* A sullen silence prevailed for some moments. It was interrupted by the vice-chamberlain, sir Dudley Carlton. He stated, that the king took offence at sir Dudley Digges for having said at the conference, in allusion to the additional charge of the plaster applied, and the drink given by the duke to king James, "that he did forbear to speak further in regard to the king's honour," or words to that effect, which was a reflection upon his majesty; and that sir John Elliot gave offence by calling the duke of Buckingham "this man," and "the man." But the most curious part of this remarkable speech was the following—"I beseech you, gentlemen, move not his majesty with trenching on his prerogative, lest you bring him out of love with parliaments. In his messages he hath told you, that if there were not correspondency between him and you, he should be enforced to use *new counsels*. I pray you to consider what these new counsels may be. I fear to declare those that I conceive. In all Christian kingdoms† you know that parliaments were in use anciently, by which they were governed in a flourishing manner, until the monarchs began to know their own strength, and seeing the turbulent spirit of their parliaments, began to stand upon their prerogatives, and at last overthrew parliaments throughout Christendom, except here among us. You would count it a great misery if you knew the subjects of other kingdoms as well as myself, to see them look not like our nation, with store of flesh on their backs, but like ghosts, being nothing but skin and bones, with only canvass to cover them, and wooden shoes on their feet."‡ Upon his uttering

* Whit. Mem. 6. Journ. May 2. 1626.

† Whitelock says, the vice-chamberlain particularly mentioned France, which accords with the early history and constitution of that monarchy, and with the more recent slavery and misery of the French people.

‡ Rush. i. 358, &c. Whit. Mem. 6. Parl. Hist. ii. 120.

these words there was a general cry, "to the bar," and the vice-chamberlain narrowly escaped being ordered to excuse himself at the bar on his knees.

The grand secret — the conspiracy, it may be called — of the king, Buckingham, and their satellites, against the liberties of the nation, and the very existence of parliament, was looked upon as having exploded through the indiscretion of this servile courtier.* The commons solemnly protested that they had not authorised sir Dudley Digges to use the words imputed to him, or any words to that effect; thirty-six peers protested that they had heard nothing from him which trenched upon the king's honour; and Digges himself, being released by the king's order, declared in his place that no such expressions had been used by him.†

It is evident that the obnoxious words ascribed to Digges were reported to the king by Buckingham. Upon his return from the conference to the house of lords, he declared that sir Dudley Digges had used words trenching so far upon the king's honour that they amounted to treason, and found but one peer of those who had been present to corroborate him faintly and equivocally — his creature, the earl of Holland.

Sir John Elliot was released in a few days after. He excused, or rather explained and justified, his speech, and the words "this man," and "the man," for brevity, and because he did not think the duke a god. The commons in fine resolved unanimously that neither sir John Elliot nor sir Dudley Digges had exceeded the commission given them by the house.

Charles, according to a high-church contemporary

* This sally of Carlton has been ascribed, by one writer after another, to his familiarity with arbitrary power in his foreign missions. But his diplomatic experience was chiefly, if not wholly, at Venice and the Hague, where the doge and the stadtholder would rather have familiarised him with restrictions.

† The following are the words used by him, as reported by Rushworth (i. 305.):—"Now, upon this occasion, I am commanded by the commons to take care of the honour of the king our sovereign that lives (long may he live to our comfort and the good of the Christian world, and also his blessed father who is dead.)" That the words were proved by the notes of several persons present. But he gives no authority, and he is not borne out by Rushworth, Whitelock, or the Journals. Saunderson merits no credit where his authority is not corroborated, and is rarely worth citing.

writer, committed at this period a great error. "His majesty," says Heylin*, "had power in his own hands to have righted himself, according to the practice of queen Elizabeth and others of his majesty's royal predecessors in times foregoing; but by complaining in this manner (by messages and speeches) to the house of commons, he chose rather to follow the example of king James." The example of Elizabeth would certainly have borne him out in trampling upon the privilege of parliament; and if Charles did not cite the obnoxious precedents of her reign, it may be accounted for by his inordinate pretension to absolute power, as inherent in his person. But, considering how immeasurably the commons of 1625-6 had outgrown the practice and the maxims of the commons of the reign of Elizabeth in intellectual, moral, and political power and independence, it may be safely concluded that even Elizabeth, with all her vigour and ability, would be worsted in the conflict, and that her prudence would teach her to capitulate. The ruling power must conform the modes and limits of its operations to the growing strength, changing condition, and progressive intelligence of the community. There is no maxim of government more abhorrent to princes than this. It is yet the sheet anchor of their salvation, and the contempt of it was the great cause of the misfortunes of Charles I.

The contemporary writer above referred to has made another observation on this crisis between Charles and the commons, which merits notice. "The commons," he says, "had now put themselves upon this resolution,—not to suffer any one of their members to be questioned till themselves had considered of his crimes; by which means they kept themselves close together, and emboldened one another to stand out against the king to the very last; and of this maxim, as they made use in the present parliament in the case of Coke, Turner, Digges, and Elliott, so was it more violently and per-

* Heylin's *Life of Laud*, 142, 143.

tinaciously insisted on in the case of the five members impeached of high treason by the king's attorney, January 14. 1641-2, the memorable effects whereof we find too sensibly."* It was assuredly part of the design and express pact of the confederated chiefs of the house of commons to stand by their privileges; but it would be premature here to notice the justice of the observation above cited, and the disastrous consequences to the king.

Another occasion now presented itself for the reckless imprudence of Charles to sustain and shield Buckingham. The chancellorship of the university of Cambridge became vacant by the death of the earl of Suffolk. The earl died at two o'clock on Sunday, and at twelve on Monday, the chaplain of the bishop of London arrived with a verbal message from the bishop that it was the king's pleasure the university should elect the duke of Buckingham. The heads of colleges used every artifice of persuasion and menace for the immediate election of the duke; whilst the fellows said that they would by that proceeding prejudice the parliament, and, "instead of the patronage which they sought, would draw a general contempt and hatred on the university as men of most prostitute flattery," and proposed that at least the full time of fourteen days should elapse. The reply was, that "if they stayed to expect the event in parliament, it would not be worth God-ha-mercy."† Such was the effrontery with which it was avowed that the object of the election was to prejudice the course of justice upon a great culprit pending his trial.

Next day, the bishop of London, the duke's chaplain, and a chaplain of the bishop of Durham, arrived at Cambridge with the king's express desire that the duke should be elected. His opponents nevertheless set up the earl of Berkshire, who lost the election only by three votes, without his having taken any part in it.‡

* Heylin's Life of Laud, 142, 143.

† Ellis's Orig. Lett. iii. 230.

‡ Ibid. Rush. i. 371. Whitelock (p. 7.) says, that "the earl of Berks

One doctor only voted in the minority.* From all this may be estimated the value to be set upon the virtue and authority of academic doctors and heads of colleges opposed to the junior body of the university or the public at large upon any great public question.

The commons, resenting the election as an interference with the course of justice and a contempt of their house, made an order that their disapprobation should be conveyed by a letter to the university, demanding that an account of the proceeding should be rendered to the house. Upon the reading of the proposed letter, sir Richard Weston, chancellor of the exchequer, delivered to the house the king's commands to forbear.† The commons replied by an address,—the king reasserted his prohibition, the matter not being within the proper cognizance of the house; and, after several postponements, the subject dropped. The commons in this, as in many other cases, exceeded their jurisdiction. But there were as yet no defined and established liberties; no settled constitution: the king claimed a power paramount to all rights and privileges; and the commons, in their struggle to vindicate the liberties of the nation, sought conquests which they doubtless would surrender in a pacific settlement of the monarchy.

The duke of Buckingham, on the 8th of June, introduced with a humble and plausible speech to the house of lords his answers to the several articles of impeachment exhibited against him by the house of commons. "First," said he, "who accused me? Common fame. Who gave me up to your lordships? The house of commons. The one is too subtle a body, if a body — the other too great for me to contest with. Yet I am confident, when my cause shall come to be tried, neither the one nor the other shall be

had too much courtship, and too little spirit, to contest, and so he desisted." But this is an injustice. Mead, a fellow, writing from Cambridge, (ut supra), says, he was set up without his knowledge, and his letter of thanks after the election (Rush. i. 372.) is still more decisive.

* Ellis's Orig. Lett. iii. 231.

† Com. Journ. 6.

found my enemy." It must be confessed that common fame, though a good ground for addressing the crown to remove a minister, scarcely warranted an impeachment; that some of the charges were coloured and exaggerated; and that the mere insinuation of a heinous crime conveyed in the additional article respecting the death of the late king, was unworthy of a great judicial proceeding.*

It would be idle to discuss the merits in a merely inchoate proceeding, without evidence taken on either side. Buckingham in his answers exposed much that was unfair, admitted some allegations and justified them, identified himself artfully with the express and inviolable commands of the late and present king in others. The charge respecting his having delivered to the French the king's ship Vanguard and others, to be employed against Rochelle, was left by him unanswered on the ground of secret reasons of state; and finally he pleaded the king's pardon, dated the 10th of the preceding February.† Having given in his answers, he earnestly requested that the commons should proceed without delay, and the commons as earnestly demanded his answers.

The duke's impatience for trial was a gross pretence. Next day the king addressed to the speaker a letter, demanding an immediate supply, and conveying the following ominous message:—"We hold it necessary by these our letters to give them this our last and final admonition, and to let them know that we shall account all further delays and excuses to be express denials, and therefore we will and require you to signify unto them that we do expect that they do forthwith bring in their bill of subsidy, to be passed without delay or *condition*, so as it may fully pass the house by the end of next week at furthest, *which if they do not it will force*

* Mr. Brodie maintains the charge of poisoning with new zeal, but without any thing new in the way of argument or evidence.

† For the full details, see Rushworth, i., Parl. Hist. ii., State Trials, ii., which contain, with much other matter, all that is to be found on the subject in the journals of either house.

us to take other resolutions." The commons prepared a declaration in reply, and ordered that it should be presented to the king by the speaker, attended by the whole house. Meanwhile they were commanded to attend the king in the house of lords, in order to hear a commission read for the dissolution of that parliament.* The speaker, holding the commons' declaration in his hand, made a speech of some length to the king. "This parchment," says he, "contains two things, — the one, by way of declaration, to give your majesty an account and humble satisfaction of their clear and sincere endeavours and intentions in your majesty's service; and the other a humble petition to your majesty for the removal of that great person the duke of Buckingham from access to your royal presence." † The lords, upon hearing of the intention to dissolve the parliament, voted a petition to the king against a dissolution, and the commons prepared a remonstrance. ‡ Neither was presented. The lords sent five peers to entreat the king to receive their whole house with their petition. Charles told them his resolution to dissolve the parliament was taken, and he would hear nothing to the contrary. § It is said that upon their advising delay he answered, "No, not a minute." ||

* The following account of this sitting of the commons is given by Mead to sir Martin Stuteville: —

"On Monday, the house of commons sat from eight in the morning till past four afternoon, then arose to dine. It is said there spake then in the house above 200 persons; the business was only a question whether the bill of subsidies, or the remonstrance to his majesty's letter on Friday before, should first be perfected! By the clamour of voices they say it could not be well discerned; but, upon dividing of the house, the number of those that would have the remonstrance first done, was far greater than of those for the subsidies. At six o'clock againe they returned, and sat till almost nine.

"On Wednesday, they sent to beseech audience of his majesty about serious business concerning all the commons of the land; to which his majesty answered, they should hear from him on Thursday morning.

"And on Thursday so they did, but not for audience, but a dissolution of the parliament, which makes us (and justly) to be much dejected, and hang our heads." — *Ellis's Lett.* iii. 236.

† The declaration has not been preserved, but the speaker's speech is to be found in Rushworth, i. 397, &c., whence it is given in the parliamentary history.

‡ Rush. i. 398.

§ Ibid.

|| See Parl. Hist. ii. 193.

It is the commonly received and repeated opinion that Charles dissolved this parliament from the sole motive of rescuing Buckingham from his impending trial. The following incident appears to have been overlooked: Upon Buckingham's giving in his answer, the commons made an order for the production of the parliament roll, containing Buckingham's relation of "the Spanish match," to both houses; and called upon lord Digby, the son of the earl of Bristol, to make good the allegations made by him in a petition to the house, "touching the abuse of the house in the duke's relation." * Charles, who had attested in person to both houses the truth of every point of Buckingham's narrative, must have been struck with terror and shame at this menaced exposure, which could not fail to reach him, at least indirectly; and, in four days after, the parliament was dissolved. It would appear, then, that Charles was not in this instance a weak and imprudent prince, rescuing his favourite at all hazards from justice, but a conscious criminal, screening an accomplice whose trial would implicate himself. The second parliament of Charles I. was dissolved accordingly on the 15th of June.

The remonstrance of the commons is a long and elaborate state paper, evidently calculated for popular effect. It may be reasonably suspected that it was never intended to be presented to the king. The house, to secure its diffusion, ordered each member a copy of it. † The king issued a counter-declaration of his reasons for dissolving the parliament, and a proclamation, commanding all persons, of whatever quality, having a copy or notes of the intended remonstrance, or coming to a view thereof, "to burn the same, under pain of his indignation and high displeasure." ‡ Almost every topic of public grievance was treated in the remonstrance, from the exclusion of sir Edward Coke and others from parliament, by their nomination as sheriffs, to the defeat of justice against Buckingham, and the

* Carte, Gen. Hist. iv. 168.

† Rush. i. 398.

‡ The commons' remonstrance, the king's declaration, and his proclamation, are preserved in Rushworth, i. 400—412.

alarming notice of "new counsels" given by the vice-chamberlain and repeated by the king.

The resistance of this fearless parliament to the designs of Charles has been ascribed to a cabal of individuals actuated by various interests and passions, in which the mass of the nation had no share, * — the Spanish party, the French party, the puritans, the republicans. The idea of a Spanish party must have been an imposture or a chimæra. There was no longer a Gondemar to gain partisans and corrupt the court. There was perhaps a French party. Blainville was sent over as extraordinary ambassador, ostensibly to demand from Charles the fulfilment of his obligations under his marriage treaty in favour of the catholics; but really to work the downfall of Buckingham. † Richelieu and Buckingham mutually and mortally hated each other, and the fall of the latter would make way for Henrietta to govern her husband. The catholic

* Heylin, *Life of Laud*, 144. *Carte, Gen. Hist.* iv. 168. "Of these proceedings," says Heylin, "his majesty was exceeding sensible. He saw himself wounded through the duke's sides; that his father's favours and his own were the greatest crimes of which the duke had been impeached; and, that their regal authority in bestowing offices and honours on whom they pleased, was not only questioned but controlled. With which disturbances being very much perplexed and troubled, he receives a letter written to him from an unknown person, in which he first met with a recital of the several interests and affections which were united in this prosecution against the duke; viz. 'These men (saith the writer of the letter) either cannot or will not remember, that never any nobleman in favour with his sovereign was questioned in parliament, except by the king himself in case of treason, or unless it were in the nonage and tumultuary times of *Richard II.*, *Henry VI.*, or *Edward VI.*, which happened to the destruction both of king and kingdom. And that, not to exceed our own and fathers' memory, in king *Henry VIII.* his time, *Wolsey's* exorbitant power and pride, and *Cromwel's* contempt of the nobility and the laws, were not yet permitted to be discussed in parliament, though they were most odious and grievous to all the kingdom. And that *Leicester's* undeserved favour and faults, *Hatton's* insufficiency, and *Raleigh's* insolencies, far exceeded what yet hath been objected against the duke; yet no lawyer durst abet, nor any man else begin, any invectives against them in parliament.'" And then he adds (some other passage intervening), "That it behoves his majesty to uphold the duke against them, who, if he be but discourted, it will be the corner-stone on which the demolishing of his monarchy will be builded; for if they prevail with this, they have hatched a thousand other demands to pull the feathers of the royalty; they will appoint him counsellors, servants, alliances, limits of his expenses, accounts of his revenue: chiefly, if they can (as they mainly desire), they will now dazzle him in the begining of his reign." This extract is the best evidence of the tyrannic purpose of Charles, and the best justification of the commons.

† Cabala, 296.

party is identified by some writers with the French, by others with the Spanish interest, and in both cases as arrayed against Buckingham. But the catholics, as a party, appear to have been inert; or if biassed, to incline to the favourite and the court. It was charged as a crime upon Buckingham that his wife and mother were avowed papists, and that he favoured popish recusants.* The puritan party was the most formidable for its numbers and the keenness of its hostility. They were alarmed or rather irritated by the growing influence and spiritual pretensions of Laud. That aspiring churchman now ruled in the state as well as the church. It was understood he was the director, behind the curtain, of the king and Buckingham in their several encounters with the house of commons. The king's speeches on behalf of the duke on the 29th of March, and on the 11th of May, and Buckingham's speech on giving in his defence, are said to have been written by him — the defence itself was said to have received his aid.† But that which chiefly inflamed the puritan clergy was his influence in the distribution of church patronage. His own episcopal patronage was as yet small, but he directed the king and the favourite in their general exercise of church promotion; and placed in their hands, for their guidance, a list of the whole clergy in two classes, marked by the letters O and P, that is, orthodox and puritan; the former of course being a favoured, and the latter a condemned class.

As to a republican party, there were men deeply

* It is melancholy and mortifying to find a base vein of religious bigotry running through the proceedings of this memorable house of commons. There was a permanent committee of religion — that is, of intolerance, — and at last the house adopted a system of denunciation more odious than that of the lion's mouth of St. Mark. Each member was ordered to give a return, *without his name*, of all suspected or recusant papists in office or place within his knowledge. The list may be found in Rushworth (i. 392—396.). Some were denounced as having "popishly affected" views; others "popish servants;" and the places held by them were, for the most part, those of justices of peace, and commissioners of sewers. That men, otherwise of generous feelings, should thus stoop to become base informers, only shows how religious bigotry can pervert the sense of right, and extinguish the sense of honour.

† Heylin, 145.

imbued with the antique and republican spirit of the historians and orators of Greece and Rome, whose speeches were redundant with the knowledge of antiquity in classic allusion and citation; but there appears no ground whatever, beyond the authority of Hobbes and other apostles of despotic power, for supposing that these eloquent and fearless patriots had yet the remotest idea of changing the form of government from regal to republican.

The presence of Blainville troubled not only the government, but the domestic life of the king. A passing notice of the petty squabbles, religious and conjugal, between the king and queen, will suffice, if, indeed, they merit so much.

Charles, in his marriage treaty, gave promises of religious indulgence to the queen's household and his own catholic subjects. To fulfil the latter, would be imprudent if not impossible for him, and the French court must have known his position too well to expect it.

His conduct, in respect to the former, is less defensible. It was expressly stipulated that the queen should have a chapel at St. James's: upon complaint made that the building proceeded slowly, Charles sullenly replied that "if the queen's closet, where they then had mass, was not wide enough, they might have it in the great chamber; or if that were not wide enough, in the garden or the park."* Their quarrels soon became personal, and were ascribed to Blainville. "Some disagreement," says a private letter of the day, "hath been at court between their majesties, by reason of the French ambassador; but after three days silence the king spoke graciously to the queen, but forbade the ambassador the court."† From this expression, it may be suspected that Charles was jealous: that decorous prince had not yet learned to resign himself to the infidelities of his wife, on the understanding he should be unmolested in his own. In his letters to Buckingham, however, whom he makes the confidant of his conjugal disquiet, there is no indication of jealousy, or mention of Blainville. He

* Ellis's Original Letters, iii. 202.

merely complains of her temper, and charges her French servants with not only "fomenting the discontents," but designing "to steal away the person of his wife." *

The confidences of Charles to Buckingham, on such a subject, are decisive signs of imbecility of character. His wife, a princess of sense and spirit, despised, his confidant grossly duped him. Buckingham secretly inflamed their mutual discontents, lest the queen's influence should interfere with his own, and encouraged Henrietta in the very project of visiting her mother, with the hope that he, as her attendant, might see Anne of Austria, in spite of the jealous cardinal. † The queen mother of France, who had not yet broken with Richelieu, forbade the appearance of Buckingham in France, and the purposed visit was given up. ‡

After some months' continued jarring, Charles deprived the queen of her French attendants by combined stratagem and force: the proximate cause or pretence is curiously illustrative. The king, making an afternoon visit to the queen, found "some Frenchmen, her servants, unreverently dancing and corvetting before her §;" led her to his apartment and locked the door; meanwhile lord Conway, who had his instructions, invited the bishop and clergy of the queen's household to a conference in St. James's Park, and told them that it was the king's pleasure that all the queen's French servants, of all ages and both sexes, should depart the kingdom. || The bishop and clergy remonstrated; the household resisted; lord Conway called to his aid the yeomen of the guard, and the Frenchmen forced to proceed from Whitehall to Somerset House, whilst "the women howled and lamented as if they were going to execution." ¶

The queen, apprised of what was passing by the king's conversation, or by the storming and evacuation of her apartments, broke the windows with her

* Hard. Pap. ii. 2.

† Mém. de Mad. de Motteville, i. 23.

‡ Mem. de Mad. de Motteville, i. 23.

§ Ellis's Orig. Letters, iii. 238.

|| Ibid.

¶ Ibid. 29.

little hands in the violence of her passion, but, from the quick transition which attends upon vivacity of temper, or from her ready command of the politic seductions of the sex, soon resumed her smiles, and accompanied her husband to Nonsuch. The queen's French household was escorted to Dover and conveyed to France, and Carlton, the vice-chamberlain, who had threatened the commons with new counsels, sent over on a special mission, to explain Charles's conduct to Louis XIII. and the queen mother.

Carlton was ill received, and the French talked of obtaining justice by arms. But Richelieu, with his gigantic talents, had full occupation at home and abroad, without making a new enemy ; he had upon his hands the king of Spain and the emperor, the French princes of the blood, nobles, and Huguenots — and Bassompierre was sent over, in the place of Blainville, to settle the differences between Charles and his consort.*

It has been observed with how much eagerness and artifice Buckingham sought opportunities of appearing at the court of France ; he was disappointed, on every occasion, by the power and jealousy of Richelieu. When ambassador at the Hague, in the preceding year, he proposed to go on to Paris, to treat directly with the French court, but was warned off by his creature the earl of Holland, then ambassador there.† The project of Henrietta's visit was equally fruitless. It was probable that, from the same motive and the same ill success, he encouraged the forced departure of the queen's servants. He made a last, and equally unavailing, attempt to accompany Bassompierre on his return to France, under the pretence of settling the disputes between the subjects of the two countries, respecting the mutual seizure of merchant ships.‡ His last resource was, to embroil his sovereign and his country in a war with France, hoping that, as a negotiator, if not as a conqueror, he should

* For account of Bassompierre's mission, see his *Mémoires*, vol. iii. and Appendix, and Bassompierre's *Embassy*, Lon. 1819.

† Cabala.

‡ See Bassompierre's *Mémoires*, ut *suprà*.

present himself to Anne of Austria in triumph over his rival and enemy. The express authority on this point is not of the highest order *, but it is borne out by circumstances, and by lord Clarendon. Such a cause of war between two nations has been thought too frivolous for belief. But it was a war only of one crown against another, in which the only part assigned to the nation was to obey and suffer : and what more natural, than that a pampered minion, having absolute sway over a prince of weak capacity and little virtue, should sacrifice his sovereign and his country to his vanity and caprice ?

But the government could not proceed, still less could an armament be fitted out, without money, and Charles was now engaged in raising a revenue by those “new counsels” with which he threatened the commons on the eve of dissolving the last parliament.

* *Mémoires de Mad. de Motteville*, i. 23—25.

CHAP. III.

1626.

ARBITRARY IMPOSTS — PASSIVE OBEDIENCE. — HIGH CHURCH CLERGY. — MAINWARING. — SIBTHORPE. — ABBOTT AND LAUD. — FORCED LOANS. — REFUSERS. — BUCKINGHAM'S EXPEDITION TO THE ISLE OF RHÉ. — ITS FAILURE. — RETURN OF BUCKINGHAM. — WARRANTS WITHOUT CAUSE OF ARREST SET FORTH. — QUESTION TRIED. — CONDUCT OF THE JUDGES. — RESOLUTION TO CALL A PARLIAMENT. — OPENING OF THE SESSION. — THE KING'S MENACING SPEECH. — GRIEVANCES. — SUPPLY. — PRESUMPTION OF BUCKINGHAM. — THE JUDGES CLOSETTED. — PETITION OF RIGHTS. — DR. MAINWARING. — REMONSTRANCE OF THE COMMONS. — FALSIFICATION OF THE ROYAL ASSENT TO THE PETITION OF RIGHTS. — REMARKABLE SPEECH OF THE KING. — APOSTACY OF WENTWORTH. — ASSASSINATION OF BUCKINGHAM. — HIS CHARACTER. — TRIAL AND EXECUTION OF HIS ASSASSIN, FELTON. — ARBITRARY MEASURES OF THE KING. — ARMINIANISM. — REMONSTRANCE OF THE COMMONS. — DISSOLUTION. — MEMBERS IMPRISONED.

CHARLES had not, like his father, a Cecil or a Cranfield, to devise novel or plausible schemes of revenue in the absence of a parliamentary supply. The fear of impeachment and the commons kept down projectors and patentees, who would otherwise swarm round Buckingham. Nothing remained but the naked forms of arbitrary power—imposts by prerogative, forced loans, and benevolences. The king's first step was, to issue a warrant under the great seal for levying the duty on imports and exports, on the ground of a declaration by the privy council that such duties were a continual and necessary part of the revenue of the crown, and that the two last parliaments were prevented from voting them only by their dissolution.* A commission was appointed † to compound with recusants for their forfeitures, which were mitigated for prompt payment.

* Rush. i. 413.

† See proceedings on the subject in the next parliament.

The king made individual applications to the noblemen of the kingdom for liberal contributions by way of loan. He made a peremptory demand upon the city of London for a loan of 100,000*l.*; he further called upon the city to furnish twenty ships for the defence of the kingdom against invasion from Spain or Flanders: similar orders were sent to the seaport towns. The city of London prayed the council, on the ground of inability, for a reduction, both of the amount of the loan and the quota of ships. The deputy lieutenants of Weymouth, Poole, and Lyme, objected to the order for fitting out ships as unwarrantable, and also petitioned the council: the petitioners, in both cases, were answered with a rebuke.* They were told, "that the precedents of former times were obedience and not direction †; and precedents were not wanting for the punishment of disobedience to the commands of the king." Privy seals were sent to some — a benevolence was proposed to others — and the parties were rated in amount according to the scale of the four subsidies resolved, but not granted, by the late parliament, with a declaration, that this was not to be regarded as a subsidy, but as a free contribution from the subject to the sovereign in a crisis of public danger. The holders of crown property were called upon to accept a better tenure upon higher terms, on payment of fines. Commissions were issued to deputy lieutenants to muster and array troops, and try offences by martial law, as in the cases of invasion or insurrection. A royal fleet was fitted out and ready at Portsmouth, ostensibly destined against the Barbary pirates.

The king's measures of finance proved as unproductive as they were arbitrary. He found himself reduced to the necessity of resorting to the naked despotism of a forced loan. Advantage was taken of the recent disaster of the king of Denmark, completely routed by the imperial general Tilly, on the 27th of August, at Sittern. The council, after some days deliberation, came to the resolution, "that the urgency of affairs not admitting the way of parliament, the most

* Rush. i. 415, 416.

† Whit. Mem. 7.

speedy, equal, and convenient means were by a general loan from the subject, according as each was assessed in the last subsidy."* Charles promised repayment within a year, and gave his assurance that the loan should not be drawn into a precedent.† His inability to repay was so obvious, that it is impossible to think him sincere. Commissioners were appointed for levying this impost, according to private instructions, ten in number, which they were commanded to keep strictly secret. The first article was, that they should themselves subscribe the sums in which they were assessed, by way of example to others.‡ They were further instructed to proceed according to the rate in the subsidy book; that is, for every hundred pounds in goods, one hundred marks; for every hundred pounds in land, one hundred pounds in money; to examine upon oath all who refused — whether they had been tampered with, by whom, and upon what persuasions, with a charge to each person so examined not to disclose his examination; to report to the privy council all refractory persons.§ This commission, it should be observed, was issued in lieu of the privy seals and benevolence, and any sums received upon these were to be allowed by the commissioners.

A subversion so outrageous, and of one of the most solemnly chartered rights of the subject — the essential and saving principle of English freedom — could not fail to rouse the spirit of individuals, and produce a universal murmur. In addition, the disgraced and disorderly troops which had remained embodied since the unfortunate affair of Cadiz, or been recently embodied, were quartered upon the people — in some instances as a punishment || — and committed upon whole districts the most atrocious excesses of military licence.¶ It would appear that only one judge, sir Randolph Crew, chief justice, manifested any disapprobation of these proceedings; and but negatively, — by want of zeal.**

* Rush. i. 418.

† Rym. xviii. 74. Whit. Mem. 7. Rush. i. 418. ‡

Rush. i. 418.

§ Id. 419. Rym. xviii. 835, &c.

|| Rush. i. 420.

¶ Ibid. Whit. Mem. 8.

** "Sir Randolph Crew, *showing no zeal*, was removed." — *Rush. i. 420.*

He was removed, and sir Nicholas Hyde, who had prepared Buckingham's answer to his impeachment*, appointed to succeed him. The lords of the council were sent into their respective counties, with special directions how they should promote the loan; and the duty of obedience to the king's commission was urged by the clergy from their pulpits with the zeal of a crusade.

The clergy preached the loan by royal command. Laud, recently promoted to the see of Bath and Wells, was charged to draw up instructions to that effect in the king's name, to be communicated to the archbishops, bishops, and clergy of the realm.† This use of the clergy by the king was not without precedent. Elizabeth was accustomed "to tune the pulpits," as she expressed it‡, for her purposes.§ But the spirit of the age was no longer the same, and it was the great misfortune of Charles, that he could not bring himself to bow to this change and its resistless necessities.

1627. Two divines rendered themselves conspicuous by the criminal servility of their sermons. Dr. Mainwaring, one of the royal chaplains, preached two sermons "highly against the power of parliament," says Whitelock ||, "before the king and court at Whitehall."

The king, he said, was not bound by the law, concerning the rights of the subject, and his will in imposing taxes without the consent of parliament

"The chief justice, not favouring the loan, was put out of his place." — Whitelock, 8.

* Rush. i. 420. Whit. Mem. 8.

† Heylin's Life of Laud, 152. It has been remarked in a preceding page, that Laud's grand design was a confederacy of the church and states against the laws and liberties of the people. It is expressly avowed, in the opening of these instructions, "We have observed, that the church and the state are so nearly united and knit together, that, though they may seem two bodies, yet, indeed, in some relation they may be accounted but as one, inasmuch as they are both made up of the same men, which are differenced only in relation to spiritual or civil ends. This nearness makes the church call in the help of the state to succour and support her, whensoever she is pressed beyond her strength. And the same nearness makes the state call in for the service of the church, both to teach that duty which her members know not, and to exhort them to and encourage them in that duty which they know. It is not long since we ordered the state to serve the church, and, by a timely proclamation, settled the peace of it; and now the state looks for the like assistance from the church, that she and all her ministers may serve God and us by preaching peace and unity at home, that it may be the better able to resist foreign force uniting and multiplying against it."

‡ Heylin, &c. 153.

§ See Vol. IV.

|| Mem. 8.

obliged the subject's conscience, on pain of eternal damnation! Dr. Sibthorpe, vicar of Brackley, in Northamptonshire, preached at Northampton an assize sermon, in which he taught, on the authority of the word of God, that the prince, who is the head of the council, is to direct and make laws; and if the prince command any thing which is against the laws of God or of nature, yet subjects are bound to undergo the punishment without resisting, railing, or reviling, and to yield a passive obedience when they cannot exhibit an active one. He deduced this doctrine from the following text: "Render therefore to all their dues*," and proved it by the following citation:—"He doth whatever pleaseth him; who may say unto him, what doest thou?"† Impiety and blasphemy are words used so frequently for the purposes of imposture, or as mere signs without definite meaning, that they are rarely admissible in the honest search or expression of truth. But if any offence can with propriety be called impious and blasphemous, it surely is this abuse of the name of God in a confederacy of priestcraft with royalty to rob a people of their property and liberty, to debase them to grovelling slaves, not only without liberty or property, but without reason. Sibthorpe was one of those hireling gladiators in the arena of polemics, who recommend themselves for advancement in the church by exaggeration and audacity.‡ He made a fair copy of his sermon, entitled it "Apostolic Obedience," and "got a bishop or two," says archbishop Abbott, "to prefer this great service to the duke."§ Buckingham approved it as an orthodox and apostolic performance, and archbishop Abbott received the king's commands to license it for the press. Abbott, after some preliminary evasions, refused to license it. The bishop of

* Rom. xiii. 7.

† Eccles. viii. 3, 4.

‡ "There was one Sibthorpe, who, not being so much as a bachelor of arts, as it hath been credibly reported unto me by means of Dr. Purcel, dean of Peterborough, vice-chancellor of Oxford, did get to be conferred upon him the title of doctor. He, being a man of low fortune, conceived that putting his sermon in print might gain him favour at court, &c."—Narrative of Archbishop Abbott, *Rush*. i. 436.

§ *Ibid*.

London, more complying, gave his allowance for its being printed, and Abbott was suspended.

It was not one of his ordinary duties to act as licenser*, and he distinctly intimates †, whilst others expressly assert, that the king's command was the suggestion of Laud, who expected to profit by his disgrace. ‡ Laud became, in point of fact, one of the commissioners who exercised the functions of the archbishop. His influence in the commission was doubtless such as to place the archiepiscopal patronage at his disposal. The drawing up of the instructions had already obtained him the deanery of the chapel royal, vacant by the death of bishop Andrews. "This man" (Laud), says Abbott §, "is the only inward counsellor with Buckingham, sitting with him some times privately for whole hours, and feeding his humour with malice and spite." Such is the language of one prelate speaking of another, with whom he was joined in spiritual communion for many years! Indiscreet resentment made him throw aside the mask, and reveal to the laity the dangerous secret, that the right reverend fathers of the church were as accessible to spite, malice, worldly intrigue, and rancorous hatred, even against each other, as other men.

Abbott has received, on this and on other occasions, praises which he assuredly did not deserve. Laud was of the two, perhaps, the more honest, certainly the less compromising. What was the conduct of Abbott in this very affair of the forced loan? He formally approved the instructions for the clergy drawn up by Laud ||, because his sanction of the loan, implied in his approbation, would be secret, but refused his sanction, when it would go before the world in print under his hand. Abbott did not and could not combine the favour, if not the confidence, of the patriots and puritans with

* Rush. i. 487.

† Ibid. 436. "It cometh into his (Buckingham's) head, or was suggested to him by some malicious body, that thereby the archbishop might be put to some remarkable strait."

‡ Tracts entitled "Ludlow's Letters," p. 10. 4to. 1812.

§ Narrative, &c. 440. et suprâ.

|| Heylin, Life of Laud, 152.

the mitre of Canterbury for so many years, and in a critical period, without dexterous management and unscrupulous arts.*

The catholics, who can hardly be blamed for their indifference to rights and liberties of which they were victims, not sharers, thought to merit relief or connivance by subscribing liberally; "but old sir John Saville, of Yorkshire," says Heylin, "who had been lately taken into his majesty's council, had found out a plot worth two of that, conceiving that a commission to proceed against recusants for their thirds due to his majesty by law, would bring in double the sum which they had offered, to which the king readily condescended." †

The loan, however, was extensively refused, and the right denied by men of all classes and conditions. Orders were issued that the refusers, of the rank of esquires and upwards, should be bound in recognizance to appear at the council table. The refusers who presented themselves were committed to prison in great numbers. ‡ Among these were sir Thomas Wentworth, sir Nathaniel Barnardiston, sir Harbottle Grimstone, sir John Elliot, and John Hampden. § The common people, especially within the liberties of Westminster, refused in great numbers. Some pleaded poverty. The commissioners offered to furnish them with the sums at which they were rated, but they had still the virtue to refuse. Men of humble condition acted with public spirit in other places as well as in the metropolis. "The six poor tradesmen of Chelmsford," says lord Haughton in a private letter to sir Thomas Wentworth,

* Horace Walpole (Catalogue of Royal and Noble Authors, art. Northampton) says, "Though Northampton could flatter, honest Abbott could not." Upon which the following note is subjoined in Park's edition: — "See some of the grossest and most fulsome flattery," says Mr. Cole, "that ever came out of the mouth of the vilest sycophant, in a preface by this honest *puritan Abbott (who could not flatter)* before the arraignment, examination, and conviction of George Sprat," &c.

† Heylin, 158.

‡ And "out of their own shires." Lett. of Lord Clifford to sir Thomas Wentworth. *Straff. Papers*, i. 37.

§ *Rush*. i. 428.

“stand out stiffly, notwithstanding the many threats and promises made them, which made one say, ‘that honour, that did use to reside in the head, was now, like the gout, got into the foot.’”* The gentry, it has been observed, were bound over to appear at the council table. The common sort, to use the expression of Rushworth, were bound to appear in the military yard near St. Martins-in-the-fields, before the lieutenant of the Tower, to be enrolled by him as soldiers, whilst the commissioners of the navy received a warrant to impress refusers, as they were called, to serve in his majesty’s fleet. Sir Peter Hayman, upon his refusal, was ordered upon his majesty’s service to the palatinate.†

Charles, as if to prove that his tyranny proceeded from himself, took these vigorous measures for the most part in the absence of Buckingham. The favourite’s purpose of producing a rupture with France, and his secret motives, have been mentioned. The ostensible cause of quarrel subsequently stated, was the refusal of the French authorities to permit Mansfield’s recruits to land at Calais; the more recent capture of English merchant ships by the French, and the failure of the king of France to fulfil his engagements to his protestant subjects of Rochelle. It will be recollected that the affair of Mansfield took place before the king’s marriage, and that one of the charges against Buckingham was his unwarrantable seizure of a French vessel, by which he subjected English vessels to reprisals.‡ The protestant zeal of Charles and Buckingham for the rights of the Rochellers was not a little suspicious, after they had engaged English ships and seamen by fraud and force to act against Rochelle.

It is necessary to glance for a moment at the state of the king’s affairs abroad. He was already at war with

* Straf. Papers, i. 38.

† Whitelock, 8.

‡ Carte says (Gen. Hist. iv. 176.), “That Bassompierre on his return was disavowed, and his engagements violated, by Richelieu.” That biassed but honest historian had doubtless some authority for his assertion, though he cites none; but it may be safely assumed that Richelieu was most anxious to avoid a rupture so embarrassing to him in his actual position.

the emperor and king of Spain for the restoration of the elector palatine. The king of Denmark, the main prop of the war in Germany, was, it has been observed, completely routed, forced to retire beyond the Elbe, and pursued by Tilly into Holstein. Upon this the protestant princes of the union made their peace with the emperor. Mansfield, who was operating a diversion in Hungary, and, with the aid of Bethlem Gabor, defeated Wallenstein, was soon abandoned by Gabor, and died on his way through the Turkish territories to Venice. Such was the perplexed state of the king's affairs abroad, when Soubize, the brother of the celebrated duc de Rohan, arrived in London. Blanchard, another agent of the Rochellers, was sent to concert the armed rising of the Hugonots, with the appearance of an English armament at Rochelle. Devic and Montague were engaged at the same time as English agents in treating with Rohan and the French protestants.

The duke of Buckingham, appointed commander in chief by sea and land, sailed from Portsmouth on the 27th June, with a fleet of 100 sail and between 6000 and 7000 troops on board. His commission bore that he was to fight against the enemies of the elector palatine and the crown of England; but his specific destination was stated in secret instructions. He appeared before Rochelle, and requested admission, on the 11th of July. The townspeople received Soubize and sir William Becher clandestinely, but refused, on various pretences, to admit the English for the present. They pleaded the want of authority from the other protestant communities, and the necessity of getting in the harvest of the island. The real cause probably was the desperate hazard; the absence of Rohan, then engaged in arming the protestants of Languedoc; and the natural jealousy of an overwhelming foreign force. They proposed that the duke should first possess himself of the isle of Rhé.* He accordingly landed about 1500 men at the point of Semblançeau, and, assisted by the fire of

* Sir R. Grenville's Narrative, apud Carte iv. 177.

the ships, within pistol-shot of land, routed a small French force sent to oppose him. The rest of the army landed next day, and was joined by Soubize with 400 Rochellers. The citadel of St. Martin was the chief strength of the island. Buckingham accordingly advanced upon that town, leaving the fort of La Prée, a place of little strength, occupied by the enemy in his rear. The expedition took the French court, and the garrison of the isle of Rhé, completely by surprise. Yet Buckingham advanced so slowly that Thoiras, the governor, afterwards the marshal of that name, had time to convey all the wine and provisions of the town into the castle. The English entered the defenceless town without resistance. Sir John Burroughs, an experienced officer, said the citadel was impregnable, and proposed a descent upon the isle of Oleron; but the naval officers undertook to prevent the garrison from receiving supplies, and it was invested in form. The French garrison was reduced to the extremities of famine, and the governor averted an attack by storm under pretence of a desire to capitulate, until he received supplies of men and provisions. Twenty-nine French ships, taking advantage of a dark night and favourable wind, passed through the English fleet, and threw into the garrison provisions and a reinforcement for two months. Sir John Burroughs, whose experience and authority influenced, though his manner offended, Buckingham, was killed by a random shot whilst viewing the works. The colonels of regiments, despairing of success, proposed to raise the siege and retreat to their ships. The Rochellers, on the other hand, who had by this time declared for the English, implored Buckingham not to abandon them; and Soubize not only urged the dishonour of a retreat, but the expected arrival of the earl of Holland with a reinforcement from England. Buckingham was vainglorious, incapable, personally brave, and misled by deserters as to the resources of the garrison. On the 6th of November he gave orders for an assault by storm on all sides, without having made a

single breach, and was repulsed with the loss of men and reputation. He now finally determined to retreat. But the French court meanwhile had sent Gaston, duke of Orleans, with an army to besiege Rochelle, and marshal Schomberg with 6000 foot and 300 horse to engage the English in the isle of Rhé. The omission of the fort of La Prée by Buckingham, in his rear, was fatal. Instead of serving him, as it might do now in his retreat, it favoured the landing of the enemy. Buckingham retreated over a plain, pursued closely but unmolested by the enemy, to whom he in vain offered battle. A narrow causeway, with marshes and salt-pits on either side, and beyond this the channel between the isles of Rhé and Oye, intervened between him and the place he chose for embarkation. He neglected to raise a fort for the protection of his retreat at the entrance of the causeway. The English were no sooner exposed on the causeway, than the enemy's cavalry attacked the unprotected rear-guard, and threw them into confusion. The infantry came up, and increased the disorder. The rear pressed upon those in front, and men fell by hundreds into the marshes and salt-pits. Buckingham narrowly escaped being made a prisoner, in the rear — of course, in a retreat, the post of danger and honour.* The English after passing the bridge faced about and offered battle, but were allowed by the French to embark unmolested.† In this ill-conducted expedition and miserable retreat, the English lost, it was supposed, more than half the force embarked.‡

Charles was prepared for the discomfiture and retreat of Buckingham §, and entered into a design upon Calais proposed to him by Buckingham when the attack at the isle of Rhé became hopeless: "As for your design on Calais," he says, "I much approve of it; let me know what is necessary for it, and I shall see it pro-

* *Straff. Papers*, i. 42.

† *Rush*, i. 465.

‡ See *Rush* ut *suprà*; *Carte*, iv. 176, &c.; *Hard. State Papers*, i. 13—49.

§ See his *Letter to Buckingham*; *Hard. State Papers*, ut *suprà*.

vided with all diligence and secrecy ; I shall speak of it to no living soul but to Jack Epslie, whom I have sent for." * Buckingham had a warrant dormant to treat of peace with France ; and it would appear as if he would still cling to the French shore, with the hope of gratifying his obstinate caprice of seeing Anne of Austria.

He was received by Charles with what may be called, under the circumstances, generous kindness. "You cannot come," says he, "before you are welcome.† The continued and increased ascendant of Buckingham, after his disastrous incapacity in this expedition, is less creditable to the king.

The loss of lives and above all of honour, abroad, filled up the measure of public discontent, already deep and violent, at home. Charles, as if he would render Buckingham less odious, had shown that he could be arbitrary and oppressive without the suggestions of a favourite, and pursued his course of tyranny. Several of "the refusers" had been removed from the country prisons to those of London. Sir John Elliot, a prisoner in the Gatehouse, petitioned the king for his liberty, on the ground that the loan was illegal and he had committed no offence ; and continued a prisoner. Five other prisoners, for the same cause, sir Thomas Darnel, sir John Corbet, sir Walter Earl, sir John Heveringham, and sir Edward Hampden, brought their habeas corpus.

The return was, that they were detained by the king's special commandment, signified by warrant of seven of his privy council. Noy, Selden, Calthorpe, and Bramston, as counsel for the prisoners, argued first against the form, next to the matter. The latter only is of permanent interest. Selden took the broad ground, that by the great charter itself no man can be justly imprisoned by either the king or council without a cause, and such cause should be set forth in the return to the writ. The 9 Henry III., he said, which recites the charter of John, enacts, that "no freeman shall be

* Hard. State Papers, i. 21.

† Id. *ibid.*

imprisoned but by due process of law,—*nullus liber homo capiatur vel imprisonetur nisi per legem terræ*; and showed that *per legem terræ* excluded *per mandatum regis*. Noy, not yet a renegade, reduced the question to this dilemma:—If the cause of commitment be certified, it was to be tried by the court, if not, the court was to discharge the party.* The several counsel cited authorities so numerous and copious, that it would be impossible to exhibit the force of their learning on the question, within an admissible compass. The king's attorney, sir Robert Heath, argued in support of the king's right to imprison by special command, without setting forth any other cause, with plausible ingenuity and vast research. If the balance of precedents were to decide the right, his case would be strong. He referred to the numberless cases of state prisoners confined for years without cause set forth, or question of the right, at the single pleasure and command of the sovereign; and the express declaration of the judges, 34 Eliz., solemnly given, that a person committed by command of the king, (the word prince was constantly, and the word king sometimes used, as the designation of Elizabeth,) was not to be delivered by habeas corpus.†

But his precedents and authorities only proved the frequent tyranny of English princes, the frequent iniquity of English judges, and the utter absence of established liberties or definite limits to the power of the crown.

He indeed did not merely admit, but professed to prove by the statute law, that the king's power was unbounded and unquestionable ‡, notwithstanding the provisions *per legem terræ* in Magna Charta,

* See the proceedings, abridged in Rushworth, i. ; at length in the State Trials, iii. Selden threw out the following words in a parenthesis, so pregnant with meaning that they might be dilated into a volume, and are applicable to periods much later and of more pretension to liberty than that of Charles:—“If Magna Charta were fully executed, as it ought to be, every man would enjoy his liberty better than he doth.”

† Anderson, by whom it is reported, was one of the judges.

‡ Magna Charta, according to sir Edward Coke, was confirmed more than thirty times. The most salutary and sacred of these confirmations received from the attorney-general the following curious answer:—

“The next statute they cited was 25 Ed. III. cap. 4. My lord, I desire that that may be read.”

chapter 29. "What then," says he, "is meant by these words, '*per legem terræ?*' If any man shall say this doth not warrant that the king may, for reasons moving him, commit a man and not be answerable for it, neither to the party nor (under your lordships' favour), under any court of justice; but to the high court of heaven, I do deny it, and will prove it by our statutes."

Two of the judges, Jones and Dodderidge, made observations in the course of his argument, which clearly showed that their opinion was for the prisoners. "Mr. attorney," says Jones, "if it be so that the law of Magna Charta, and other statutes, be now in force, and the gentlemen be not delivered by this court, how shall they be delivered? Apply yourself to show us any other way to deliver them." "Yea, or else," adds Dodderidge, "they shall have a perpetual imprisonment." This was conclusive. An absurd consequence is demonstrative proof in the exact sciences. Lawyers however (those of England at least) put it aside where it is to be weighed against a precedent. The absurd consequence thus demonstratively put, accordingly failed to move, not only the king's attorney, but the chief justice; and, strangest of all, was lost sight of in the judgment by Jones and Dodderidge. The influence exercised over them will presently appear, when the judges themselves are put upon their trial by the commons. It will suffice to add here, that sir Nicholas Hyde, who is said to have owed his place to his ascertained docility on this question*, as well as on that of

Keeling, Clerk. "Item, That no man, of what estate or condition soever he be, shall be put out of land or tenement, nor taken nor imprisoned, nor disinherited, nor put to death, without being brought to answer by due process of law."

Attorney-General. "My lord, this statute is intended to be a final prosecution: for if a man shall be imprisoned without due process, and never brought to answer, that is unjust, and forbidden by this statute; but when a man is taken in courses that are unknown to us (who walk below stairs), we are not privy to the circumstances which may cause the trial to be delayed; and peradventure it is not time to bring the matter to trial, because it is not yet come to maturity, and therefore this is not within the meaning the statute."

* See the Tracts called *Ludlow's Letters*, Letter the First.

the loan, gave it as the unanimous opinion and judgment of the court — “though,” says he, “it be delivered by my mouth, it is the opinion of us all” — that after the records, precedents, and resolutions cited, the court could not deliver the prisoners, and they must be remanded. It should be remarked, in fairness, that the chief justice is borne out by his examination of authorities * ; but he confined himself to those of the Tudor reigns, and that of James I.

Such was the state of the king's affairs at home and abroad at the commencement of the year 1628.^{1628.} The infatuation with which he surrendered himself to the pernicious dominion of a favourite plunged him into a war; and his arbitrary measures, whilst they placed him in hostility with the independent and intellectual mass of his subjects, failed to produce him revenue.

He had raised the rate of seamen's wages from fourteen to twenty shillings a month, but they were not paid. A body of two hundred sailors came up from Portsmouth to London, stopped the duke of Buckingham in his carriage, and clamoured for their wages, at the very time when he was preparing his disastrous expedition to Rochelle.† The accounts of the navy, in materials, freight, and wages, were near 200,000*l.* in arrear upon his entering the fourth year of his reign.‡ The seamen came in multitudes to Whitehall, demanding their pay, or deserted their ships.§ English commerce was decaying, and ship-building was abandoned by merchants exposed to the double peril of arbitrary impressment by the crown, and capture by the enemy. There was a general cry for the only remedy — a parliament. This disagreeable cry grated upon the king's ear, when he appeared in public at Whitehall and Westminster. A parliament, or rather a house of commons, was now the shield and sword of the public liberties, as the barons had been at earlier periods: this cry, the result of the

* For his judgment in detail see State Trials, v.

† Ellis's Orig. Letters, iii. 249.

‡ Rush, i. 466.

§ Id. *ibid.*

public reason, and popular English feeling, could not be resisted, and the king, reduced moreover to the last necessity, gave way to it.

The resolution to call a parliament is ascribed to the advice of sir Robert Cotton, specially consulted by the lords of the council. A paper given in or read by him to the council takes a wide and searching view of public affairs at home or abroad, recommends that Buckingham, to conciliate the nation, should take credit for advising recourse to a parliament. If these papers were given only by Rushworth, and were not published by Howel in the posthumous works of sir Robert Cotton, its authenticity might well be doubted: as the matter stands, it only suggests the reflection, how dangerous to patriotism is the atmosphere of a cabinet council. The man who, in the house of commons, demanded justice upon Buckingham, with the rolls of parliament, and records of punishment upon favourites in former ages in his hand, concludes his advice to the council in these words: — “To expiate the passion of the people, at such a time, with sacrifice of any of his majesty’s servants, I have ever found it (as in Ed. II., Rd. II., and Hen. VI.) no less fatal to the master than the minister in the end!”

Charles, even after he resolved to call a parliament, could not renounce his disposition to wound the nation in her liberties. Writs were issued on the 29th of January, for a parliament to meet on the 17th of March, and the refusers, seventy-eight in number*, were liberated. The earl of Bristol, and bishop Williams, late lord keeper, committed to the Tower, the former immediately on the last parliament, the latter soon after, either from his expressing himself unfavourably respecting the loan†, or, as it is more likely, from Laud’s jealousy of his intriguing to recover the favour of Buckingham‡, were released, and summoned to the house of lords: archbishop Abbott, also relieved from his suspension, was called to his place in the house of lords, and at the

* See the names in Rushworth, i. 473.

† Hacket’s Life of Williams.

‡ Whit. Mem.

council table.* But the king, at the same time, ordered a commission, under the great seal, to levy an excise duty, directed measures to be taken for levying ship-money, and gave a Dutch merchant, naturalised, named Burlemach, an order on the treasury for 30,000*l.*, which he was to remit to sir John Balfour and colonel Dalbier, to be by them employed in raising and transporting to England 1000 German horse, and arms for 5000 foot. The pretence of bringing over these troops was to defend the kingdom against invasion†, but no doubt was entertained of the king's purpose to enforce his arbitrary levies, and overawe the approaching parliament, by a foreign mercenary force. No one of these three measures of his government was carried into execution, but they did not the less embroil him with the commons and alienate the people.‡

The parliament was opened by the king on the 17th of March with a speech of sinister intent. He told them they were called together to vote a supply, enjoined speed, and told them that if they (meaning the commons) did not do their duty in contributing what the state then needed, he must, "in discharge of his conscience, use other means to save that which the follies of particular men might otherwise hazard to lose." — "Take not this," he adds, "as a threatening, for I scorn to threaten any but my equals." The lord keeper (Coventry) then advised them at great length, in a tone more subdued and guarded than he used in his first official speech to the late parliament. He scarcely touched upon domestic topics, but dilated upon the hostile union of the pope and house of Austria, and the approximation of France to their views.§ Sir John

* Rush. i 474.

† Carte, iv. 183.

‡ It is stated in the page above cited from Rushworth, that a society of recusants was discovered at Clerkenwell, that many of them were found to be Jesuits, and that a letter from one of them to their "father rector" at Brussels, which follows the statement, was found at their place of meeting. The appearance of so rank a forgery as this letter in Rushworth's collection, should be judged, not as discrediting him, but as evidence that his collection is justly suspected.

§ Speaking of the Netherlands, he gave the following proof of his gross ignorance, or his still grosser presumption upon the ignorance of his

Finch having been chosen speaker, the usual interchange of false eloquence, fulsome compliments, and court flattery, ensued. The election of Finch, afterwards lord keeper, whose character was already known*, would indicate a more moderate or manageable house of commons. The fact was widely different. Those whom the artifice of appointing them sheriffs had kept out of the last parliament, and the imprisoned "refusers," who were returned by every constituency to which they offered themselves, brought into this parliament a spirit of resistance and purpose of redress more keen and resolute from personal exasperation.

The commons immediately took up the matter of grievance, under the general heads of billeting soldiers, raising money by loans, benevolences, and privy seals, the imprisonment of persons who refused to lend, and the remanding of the five "refusers," who had brought their habeas corpus. It became obvious that the commons entertained the settled purpose of making redress of those grievances the condition of granting supplies. "How," said sir Francis Seymour in the first debate on the subject †, "can we speak our affections while we retain our fears, or speak of giving till we know whether we have any thing to give? Hath it not been preached in the pulpit, or rather prated, *all we have is the king's jure divino*. But when preachers forsake their own calling, and turn ignorant statesmen, we see how willing they are to exchange a good conscience for a bishopric." Sir Robert Phillips ‡, after going over the three main grievances of billeting soldiers, illegal imposts, and arbitrary imprisonments, said, "I can live, although another who has no right be put to live with me; nay, I

hearers:—"Our friends of the *Netherlands*, besides the fear that justly troubles them, lest the whole force of the emperor may fall down upon them, are distracted by their voyages into the East, which hath carried both men and money into another world, and much weakened them at home."

* See the two different versions of the speeches of the speaker and lord keeper, in Rushworth, i. 481., and Parl. Hist. ii. 222, &c.

† March 22.

‡ An expression of this eminent patriot may be cited, as one of the many proofs, that the representatives in those days considered themselves bound by the instructions of their constituents. "The county," says he, "I serve for, was pleased to *command* me," &c. — *Rush*. i. 503.

can live, although I pay excises and impositions more than I do ; but to have my liberty, which is the soul of my life, taken from me by power ; and to have my body pent up in a gaol, without remedy by law, and to be so adjudged ! Oh, improvident ancestors ! Oh, unwise forefathers ! To be so curious in providing for the quiet possession of our laws, and the liberties of parliament ; and to neglect our persons and bodies, and to let them lie in prison, and that *durante bene placito*, remediless ! If this be law, why do we talk of liberties ? Why do we trouble ourselves with a dispute about law, franchises, property of goods, and the like ? What may any man call his own, if not the liberty of his person ? I am weary of treading these ways." — "We must," said he in conclusion, "govern ourselves as if this parliament were the crisis of all parliaments."

Those free and fearless spirits did not affect to disguise the question at issue from others, or from themselves. Such was the really momentous question between this memorable house of commons and Charles I.

Sir Thomas Wentworth and sir Edward Coke took the same side. "I will begin," says Coke, "with a noble record — it cheers me to think of it, — 25 Edw. III. It deserves to be written in letters of gold." — "Loans against the will of the subject are against reason and the franchises of the land ! What a word is that ! franchise !"

Bold truths were spoken, momentous questions were propounded, without the excitement of the passions ; stirring movements of the truest eloquence were united with the imposing grandeur of repose. Even Coke and Digges seemed to forget for a moment the elaborate conceits and pedantic citations which debased the forensic eloquence of the time.*

On the 25th of March secretary Cooke proposed the estimates of supply. The house went into a committee, but, instead of considering the estimates, entered upon

* Fragments only are preserved ; but they are carefully collected and disposed, from Rushworth, the *Ephemeris Parliamentaria*, and the MSS. of sir John Napier, in the *New Parliamentary History*

“ the liberty of the subject,” under these six heads — attendance at the council board, imprisonment, confinement*, designation to foreign employment†, martial law, undue proceedings in matters of judicature. They however resolved, that five subsidies should be granted to the king. Secretary Cooke acquainted them with the king’s most gracious acceptance of the supply, though short of his wants. The king, by the secretary’s account, said “ that he now saw he should have the affections of his people, which would be to him above all value; that he liked parliaments at first, yet since (he knew not how), he was grown to a distaste of them; but was now where he was before, for he loved them.”

Charles forgot, or affected to forget, that the commons had only come to a resolution, and it remained to pass the subsidy bill. His insincerity was too gross to cajole men so resolved and wise as the patriot leaders, and the secretary disgusted the house by reporting, immediately after that of the king, a speech of the duke of Buckingham respecting the subsidies addressed to the king in council. “ Give me leave,” said Buckingham, as reported by the secretary: “ I beseech you to be an humble suitor to his majesty, first, for myself, that I, who have had the honour to be your

* “ Confinement,” says Selden (Parl. Hist. ii. 256.), “ is different from imprisonment, and it is contrary to law that any should be confined to his house or elsewhere.”

† Sir Peter Hayman gave the following account of his forced mission to the palatinate: — “ I have not forgot my employment into the palatinate. I was called before the lords of the council for what I knew not; but I heard it was for not lending on a privy seal. I told them, if they will take my estate, let them; I would give it up — lend I would not. When I was before the lords of the council, they laid to my charge my unwillingness to serve *the king*. I said, I had my life and my estate to serve *my country and my religion*. They told me, that if I did not pay I should be put upon an employment of service. I was willing. After ten weeks waiting, they told me I was to go with a lord into the palatinate, and that I should have employment there, and means befitting. I told them I was a subject, and desired means. Some put on very eagerly, some dealt nobly. They said I must go on my own purse. I told them, *Nemo militat suis expensis*. Some told me I must go. I began to think, what, must I? None were ever sent out in that way. Lawyers told me I could not be so sent. Having this assurance, I demanded means, and was resolved not to stir but upon those terms; and in silence and duty I denied. Upon this, having given me a command to go, after twelve days they told me they would not send me as a soldier, but to attend on an ambassador. I knew that stone would hit me; therefore I settled my troubled estate, and addressed myself to that service.”

favourite, may now give up that title unto them (the commons), they to be your favourites, and I to be your servant," &c.

Sir John Elliot was the organ of the indignation of the house. He rebuked both the favourite who uttered, and the minister who repeated the speech. "I know not," said he, "by what fatality or importunity it has crept in, but I observe in the close of Mr. Secretary's relation mention made of another, in addition to his majesty; and that which hath been formerly a matter of complaint I find here still, — a mixture with his majesty, not only in business, but in name. Let me beseech you, sir, let no man hereafter within these walls take this boldness to introduce it."

The inordinate presumption of Buckingham, in speaking such a speech, was, if possible, surpassed by the folly of repeating it. Such men as Coventry, Weston, Conway, Cooke himself, and other members of the king's council, must have known the temper of the commons and of the times too well to be blind to the consequences. Their submitting to a step so presumptuous and impertinent may be taken as a measure of their criminal servility to the favourite, and the infatuation of the king.

Charles, impatient to touch the subsidies, sent a message to the commons, desiring that the house would make no Easter recess. The house claimed the exclusive right of adjournment. "The king," says sir Edward Coke, "makes a prorogation; the house adjourns itself." Message upon message came from the king to hasten the subsidy. Secretary Cooke, after delivering one of those messages, on the 12th of April, deprecated an opposition to "the royal power." The house, jealous of this ambiguous word, called upon him to state what he meant by the word "power," to which he replied, that it was the word used by the king, and he had no warrant to explain it.

The commons meanwhile were engaged in preparing the memorable petition of rights. In pursuance of a

conference of the two houses, the judges of the King's Bench were ordered to vindicate before the house of lords their decision in the habeas corpus case. The order for their appearance before the lords was made on the motion of that intriguing and unprincipled trafficker in popularity, the late lord keeper Williams.* Hyde the chief justice expressed his fear that, consistently with their oath to the king, they could not give an account of their proceedings without his warrant. Several peers considered this an invasion of the privileges of the house as a supreme court of appeal. 'The earl of Manchester said this was a matter not of appeal, but of prerogative. Meanwhile the earl of Anglesey, sent by Buckingham to the king, brought his permission, and the question was left undecided. The judges spoke severally. Their justification may be reduced to this — that they merely remanded the prisoners, "that they might better advise in the matter;" that their decision was in the nature of an interlocutory order, and that they ordered the clerk of the court to make no entry as of a judgment, though earnestly demanded by the attorney-general; and that there was no case of a person committed by the king's special order, and bailed without his permission. It may also be collected, that the better advice for which they waited was the king's leave to bail or discharge the prisoners. James insisted that the judges should not even permit in their courts the questioning of any point affecting the royal prerogative, *rege inconsulto*.† Charles looked upon it as a degradation to renounce any pretension of his predecessors; and yet, with his all-jealous care to maintain the power and pretensions of former kings, the public rights were outgrowing and escaping from his grasp. He claimed exemption from the jurisdiction of the courts only for an act done by his special command, whilst his father claimed it for all matters touching the prerogative, even to holding a living in commendam.

* Parl. Hist. ii. 288.

† See the Case of Commendams, Reign of James, v. 4.

This is to be ascribed solely to the growing independence of the nation and the house of commons; for Charles had qualities which rendered him in effect, though not in principles, a more formidable despot than his father.

The change in the minds of Jones and Dodderidge during the hearing of the case has been mentioned. From an expression of judge Whitelock it may be concluded, that it was produced by a command from the king. "The commons," says he, "do not know what letters and commands we receive."* The grounds of law on either side will be found in the speeches of Littleton and Coke, Heath and Ashley. Sir Edward Coke not only brought to bear upon the question the legal research and quaint logic of a lawyer of that age, but exercised at some moments the vigour of his mind untrammelled by legal technicalities. "Shall I," says he, "have an estate for lives or for years in my land, and be tenant at will for my liberty?"—"A freeman," says he again, "to be tenant at will for his freedom! There is no such tenure in all Littleton." Who would expect to find that this very man had four times maintained the very doctrine which he now combated—twice as chief justice, in the cases of Russell and Saltonville so called in the books of reports, twice in his place as a member of the house of commons, whilst resisting a bill for the better securing the benefit of the 29th chapter of Magna Charta, brought in by Morrice, who distinguished himself so honourably in the queen's

* It should, however, be observed, that the speeches assigned to the judges are not authenticated by being entered on the journals like those of Selden, Lyttleton, Coke, Noy, and Glanville, on behalf of the commons, Heath, attorney-general, and serjeant Ashley for the crown. Ashley carried his prerogative doctrine to such a height that he was ordered into custody, and obliged to ask forgiveness on his knees at the bar of the lords. The following are the offensive propositions maintained by him:— "The propositions made by the commons tended rather to an anarchy than a monarchy. 2. That if they be yielded unto, it is to put a sword into the king's hand with one hand, and to take it out with the other. 3. That they must allow the king to govern by acts of state, otherwise he is a king without a council, or a council without a power. 4. That the question is too high to be determined by law, where the conqueror or conquered will suffer irreparable loss." For which expressions the lords called the serjeant to an account, and committed him to custody.

reign. Coke admitted all this, and said, he mis-grounded his opinion upon the 33 Hen. VI. The true solution is, that he was then a prerogative lawyer and court judge, but was now a patriot commoner opposed to the court. This fact is not merely curious; it is pregnant with matter of reflection upon what a great philosophical jurist* has named "judge-made law," — a jurisprudence not only inaccessible to the people, but uncertain in itself, from the want of a digested and authoritative code.† The case of the children of O'Donnell, brought over to England upon his being slain, and imprisoned in the Tower from infancy to the end of their lives, was urged upon Coke. He replied, "they lost nothing by the bargain; *periissent ni periissent*; they were brought up in the true religion instead of popery, and as their blood was attainted it was charity to keep them." What a combination of outrages upon law, reason, and humanity!

The house of commons submitted, in a conference with the lords, a series of explicit propositions, afterwards constituent parts of the petition of rights; in return for which the lords offered a counter series, so worded as to leave the points in dispute as unsettled as before. The latter were offered by archbishop Abbott. The commons rejected them, as calculated to strangle the petition of rights. It became apparent that they were suggestions from the court. On the 28th of April the king sent for the commons to meet him in the house of lords, and desired by the mouth of the lord keeper that they would rely for their liberties upon his royal word. "His majesty," says the lord keeper, "hath commanded me to let you know, that he holdeth the statute of Magna Charta, and the other six statutes insisted upon for the subject's liberty, to be all in force; and

* The late Mr. Bentham.

† It will be found in the progress of these pages, that this evil struck Cromwell as it did Bacon. How long will the English nation — "*cette nation hardie et spirituelle*," to use the language of Voltaire — leave its character unredeemed in this most important branch of science and civilization?

assures you, that he will maintain all his subjects in the just freedom of their persons and safety of their estates; and that he will govern according to the laws and statutes of this realm; and that you shall find as much security in his majesty's royal word and promise, as in the strength of any law ye can make; so that hereafter ye shall never have cause to complain." This was in substance the security proposed by the lords and rejected by the house of commons. The commons on returning to their house appointed a committee to frame a bill expressing the substance of the statute of Magna Charta and other statutes, and *the resolutions of the house* concerning the liberty of the subjects in their persons and estates. Secretary Cooke appears to have made a long speech to persuade them to be satisfied with the king's word*; but the committee was appointed without a single negative.† On the 1st of May the king demanded of the commons, through secretary Cooke, whether they would or would not rest upon his royal word. The message was brief and peremptory, and was followed by a pause of deep silence. The commons soon rallied their spirits, — if indeed they ever lost them, — and after two days' debate resolved to proceed by bill. Charles assented, "but so as that Magna Charta and the other six statutes alluded to may be without additions, paraphrases, or explanations."‡ The purpose of this exception was to put aside the resolutions of the house. The commons by those resolutions sought to deprive the court lawyers and judges of the pretences for despotism, which they founded on the want of unity of purpose in the statutes, and the recorded judgments of court lawyers. Charles, on the other hand, would maintain all the existing facilities for his future designs upon the liberty and property of the subject.

There is something unaccountable in the folly of the court. On the next day after having given this

* Parl. Hist. ii. 332. Rush. 2.

† King's answer by the lord keeper.

‡ Com. Journ.

assent, Charles once more desired they should take his word. The commons plainly declared that they could take his word only in a parliamentary way, and delivered their petition of rights in a conference to the lords for their concurrence therein. Charles upon this addressed a letter to the lords, by Buckingham, in which, after taking credit for allowing the free debate of the highest points of his prerogative, he declares that without the overthrow of his sovereignty, he could not suffer his power of imprisoning to be impeached, but was willing to promise not to imprison for the future any person for refusing to lend him money. This letter was communicated to the commons, and almost contemptuously laid aside by them.

The lords proposed to concur in the petition of right, with the following additional clause:—"We humbly present this petition to your majesty, not only with a care of preserving our own liberties, but with due regard to leave entire *that sovereign power* wherewith your majesty is trusted for the protection, safety, and happiness of your people." The peers, with the habitual bias of that house, lent themselves to the court in the endeavour to impose this perfidious but shallow ambiguity upon the commons. The latter repudiated not only the whole context, but the particular term, "sovereign power." "I know," said Pym, "how to add sovereign to the king's person, but not to his power." "I know," said Coke, "that prerogative is part of the law, but 'sovereign power' is not parliamentary. It weakens Magna Charta and all the statutes. Let us take heed what we yield unto; Magna Charta is such a fellow that he will have no sovereign."* Wentworth, Noy,

* Selden, opposing the "saving clause," stated the following curious and important fact:—"In 28 Edw. I. the commons, by petition or bill, did obtain the liberties and articles at the end of the parliament; they were extracted out of the roll, and proclaimed abroad. The addition was added in the proclamation, but in the bill there was no 'saving'; yet afterwards it was put in: and to prove this, though it is true there is no parliament-roll of that year, yet we have histories of that time: in the library at Oxford there is a journal of a parliament of that very year which mentions so much; as also in the public library at Cambridge there is in a MS. that belonged to an abbey: it was of the same year, 28 Edw. I. and it mentions the parliament, and the petitions, and '*articulos quos petierunt sic con-*

Selden, and Glanville, condemned it, no less earnestly. The lords, after a conference, abandoned their amendment, accepted the petition of right as drawn by the commons, passed it through its stages in one day unanimously, and sent a deputation to know when it would be the king's pleasure to receive it from both houses. They had, however, proposed their addition with an accompanying intimation, that it was to be received as "not concluding their lordships' opinion, or excluding the petition of rights offered by the commons," and they abandoned it with remarkable docility.

From this it might be inferred, that whilst they appeared with the court they did not desire success. The addition, it should be also observed, was the result of an intrigue. It was suggested by Williams, who at this time had been secretly reconciled to Buckingham, and was serving the court as a false brother in the popular camp.* Charles saw the danger of refusing his assent to the joint petition of both houses, yet clung to the pretension of imprisoning at his pleasure. Treading his father's steps in what Coke called "an auricular taking of opinions," he put three questions to the judges upon the pending petition of rights, and enjoined on them the strictest secrecy. The questions and the answers leave the stamp of perfidy upon the king and the judges. The questions were, Whether the king may commit without showing a cause? Whether the judges ought to deliver on habeas corpus a person committed? Whether he should not deprive himself of such power of commitment by granting the petition of right? Upon the two first questions, the judges answered that the general rule of law was against him, but exceptive cases might arise; and to the third they

firmavit rex, ut in fine adderet, salvo jure coronæ regis, and they came in by proclamation. But in London, when the people heard of this clause being added in the end, they fell into execration for that addition; and the great earls that went away satisfied from the parliament, hearing of this, went to the king, and afterwards it was cleared at the next parliament. Now there is no parliament-roll of this, of that time; only in the end of Edw. III. there is one roll that recites it." — *Parl. Hist.* ii. 359.

* Hacket's Life of Williams.

replied, that it must be left to the courts of justice in each particular case.*

* The following is the full note of the questioning and answering by sir N. Hyde, printed from the Harleian MSS. in Ellis's "Original Letters," &c. new series, iii. 250.

" 'Nota, que après cest terme (Pasch. 4 Car. I.) fine, et en le temps del parliament, et après que le petition pur les liberties del people fait accord et voté en ambideux les maisons, et per eux toutes agreee d'être present all roy. Les seigniors agreee le 26. de May de present all roy un protestation de lour intérêts en le petition, et même le jour le roy done à eux accesse à lui, et ils in escript ce deliver en ceux parols'

" 'May it please your most excellent majesty, we, the lords spiritual and temporal in your high court of parliament assembled, do humbly and unanimously declare unto your majesty that our intention is not to lessen or impeach any thing that by the oath of supremacy we have sworn to assist and defend.'

" 'Afterwards, the said 26th of May, the king sent for the two chief justices, Hyde and Richardson, to attend him at Whitehall, who came unto his majesty, who in private delivered them a case, and required them to assemble together all the judges, and under their hands to give their answer thereunto, which case here followeth : —

First Question.

" 'Whether in no case whatsoever the king cannot commit a subject without showing a cause.'

" 'Whereunto, they made an answer the same day under their hands, which was the next day presented to his majesty by the said two chief justices, which followeth in these words : —

The Judges' Answer.

" 'We are of opinion that, by the general rule of law, the cause of commitment by his majesty ought to be shown; yet some case may require such secrecy, that the king may commit a subject without showing the cause for a convenient time.'

" 'Which said answer being delivered to his majesty by the said two chief justices, it pleased his majesty then to deliver them a second case, and required them to assemble all the judges, and under their hands to declare to him the law therein; but required them to be very secret, and to reveal the matter to none, as he also had done in the former. Whereupon they all the next day assembled, and, after consultation had, they all subscribed their names to an answer to the same, except the lord chief baron, who, by reason of sickness, was not present at their consultation: which resolution was delivered to his majesty by the said two chief justices the 30th of May. The said second question followeth in these words : —

Second Question.

" 'Whether, in case a habeas corpus be brought, and a warrant from the king without any general or special cause returned, the judges ought to deliver him before they understood the cause from the king.'

The Judges' Answer.

" 'Upon a habeas corpus brought for one committed by the king, if the cause be not specially or generally returned, so as the court may take knowledge thereof, the party ought, by the general rule of law, to be delivered. But if the case be such that the same requireth secrecy, and may not presently be disclosed, the court in discretion may forbear to deliver the prisoner for a convenient time, to the end the court may be advertised of the truth thereof.'

" 'This answer being so delivered, his majesty then gave unto the said two chief justices a third question, and commanded them to assemble their brethren forthwith, and give him an answer to the same under their hands, which they also received; and the next day all met together, and, after deliberation had, they all subscribed their names to an answer to the same; which, by the said two chief justices was presented to his majesty upon

Charles having in the last answer the satisfactory assurance that if he made the law one day by his royal assent, he might unmake it the next day by means of his judges, resolved to grant the petition of rights. He appointed the 2d of June, came to the house of lords, addressed a short and ungracious speech to the commons* — heard the petition read, and gave an equivocating answer, which he designed to impose for his assent. The petition prayed and provided against “molesting, by oaths, recognizances, and arrests, those who refused to lend money to the king — commitments by the king’s command, without cause assigned — billeting soldiers — summary process by law martial — all of which it pronounced against law and the liberties of the subject.” † The following was the king’s answer: — “The king willeth that right be done according to the laws and customs of the realm, and that the statutes be put in due execution, that his subjects may have no cause to complain of any wrongs or oppressions contrary to their just rights and liberties, to the preservation whereof he holds himself in conscience as well obliged, as of his own prerogative.”

Pending this issue, another affair, by way of interlude, engaged both houses. Dr. Mainwaring was called to account for his court sermons, already mentioned, and condemned by the lords to fine and imprisonment, to

the 31st of May: no person being present with his majesty at any of the said meetings. The said third question here followeth: —

Third Question.

“ ‘ Whether, if the king grant the common petition, he doth not thereby conclude himself from committing or restraining a subject for any time or cause whatsoever, without showing a cause.’ ”

The Judges’ Answer.

“ ‘ Every law, after it is made, hath his exposition, and so hath this petition; and the answer must have an exposition, as the case in the nature thereof shall require to stand with justice, which is to be left to the courts of justice to determine, which cannot particularly be discerned until such case shall happen: and although the petition be granted, there is no fear of conclusion, as is intimated in the question.’ ”

* The following is his speech: — “Gentlemen, I am come hither to perform my duty. I think no man can think it long, since I have not taken so many days in answering the petition, as ye spent weeks in framing it: and I am come hither to show you that, as well in formal things as in essential, I desire to give you as much content as in me lies.”

† For the petition, see Rush. 588., and Parl. Hist. ii. 374.

ask pardon of both houses for his errors, on his knees at the bar, and to incapacitation for any office or duty ecclesiastical or civil. The divine having thus proved his worthiness of church promotion, was pardoned by the king, appointed immediately to a rich benefice, and soon after made a bishop. "This," says another divine, "was the way, indeed, to have his majesty's will served."*

The commons perceived a treacherous after-thought in the king's answer. Their first resolution consequent upon it was, that a remonstrance of grievances should be presented to the king. A long and eloquent censure of the government in its foreign and domestic policy was delivered by Elliot.† He was called to order by sir Humphrey May, a courtier; but supported by the house, and desired to go on.

During these momentous debates, the doors were locked and the members forbidden to go out of the house without leave, at the peril of being sent to the Tower. The king upon this sent a message to the commons, acquainting them that he proposed to prorogue parliament on the 11th of June, only six days distant, and desired they would not touch upon any new matter. Next day he repeated this intimation in a second message, with the addition, that they should not touch upon any business which might lay any scandal or aspersion upon the state, the government, or the ministers thereof. The commons were not diverted from their course. Sir Robert Philips urged in a tone of solemn determination the proposed remonstrance. Sir John Elliot, whose eloquence was more impassioned and purposes more undisguised, said they must have been misrepresented to the king. "I am confident," said he, "no minister how dear soever, can ——" The speaker, apprehending an attack upon Buckingham, instantly started from his chair, stopped sir John Elliot, and with tears in his eyes ‡ said, "There is a command laid upon

* Heylin's *Life of Laud*, 170.

† His speech is merely sketched in Rushworth; but it is given from the Napier MSS. at length in the *New Parl. Hist.*

‡ The tears are mentioned in the *Parliamentary History*, from a MS. in the Harleian collection; but not in Rushworth. It appears however, from

me to interrupt any that should go about to lay an aspersion on the ministers of state." Sir Dudley Digges said, that under this restriction they must either arise and begone, or sit still and do nothing. "Hereupon," says Rushworth, "there was a sad silence in the house for a while." It was interrupted by sir Nathaniel Rich. "We must," said he, "speak now or hold our peace for ever. For us to be silent when the king and kingdom are in this calamity is not fit. Shall we secure ourselves by silence? I know it is more for our own security, but is it for the security of those whom we serve? Let us think of them." It was suggested that the speech of sir John Elliot on grievances had offended the king. The commons came to a resolution that no undutiful speech had been uttered in the house. "Let us," said Wandesford, "recollect our English hearts. Two ways are propounded—to go to the lords, or to the king. I think it is fit we go to the king, for this does concern our liberties. Let us not fear to make a remonstrance of our rights. We are his counsellors. There are some men which call evil good, and good evil. Justice is now called popularity and faction." "Why," said sir Edward Coke, "may we not name those that are the cause of all our evils? The duke of Buckingham—that *man* is *the grievance of grievances*." The house received this, says a private letter of the day, with cheerful acclamations, as, when one good hound recovers the scent, the rest come in with a full cry.* Selden proposed to renew the proceedings of last session against Buckingham. The house, in conclusion, went into a committee of grievances, and the speaker obtained leave to retire for half an hour, "presuming they did not think he had any ill intention."† He returned at the end of three hours with a message from the king, desiring that the house should immediately cease all

a private letter which he gives, that not only the speaker, but several members shed tears. The crisis assuredly was one of the most awful: politicians less virtuous or sagacious would not have wept.

* Letter of Alured to Chamberlain, in Rush. i. 906.

† Ibid.

business and adjourn to the following morning. An adjournment took place accordingly.

A second message was brought by the speaker on the next morning. He excused his having taken advantage of the leave of the house to go to the king the day before, and declared that he would have his tongue cleave to his mouth before he would speak to the disadvantage of any member. The message, in vague terms, disclaimed any intention on the part of the king, in his preceding message, to invade their privileges, but renewed the prohibition against taxing his ministers for actions past, or himself under their name; and concluded with his wish for "a sweet parting." The commons disclaimed taxing the king, but vindicated their right to examine the conduct of his ministers, and sent a message to the lords, requesting their concurrence in a petition to the king for a clear and satisfactory answer, in full parliament, to the petition of rights.

They next went into a committee on the remonstrance of grievances, and examined Burlemach about the bringing over of German horse and arms, already mentioned, in order to introduce as one of the heads of grievance the design to bring foreign forces into the kingdom. Burlemach admitted his having received and disbursed 30,000*l.* for that purpose, but said he heard the bringing over was countermanded.

The king at the same time sent a message to the lords, desiring they would adjourn over all business to the next day. It excited consternation among the lords. They apprehended an immediate dissolution—looked upon such a step as endangering the monarchy,—and were about to take steps for advising against it, when their fears were removed by assurances of the contrary from several lords of the council.

After some debates, and a conference on the 7th of June, both houses petitioned the king for a more explicit answer. He appointed four o'clock the same day; came accordingly, and commanded the attendance of the commons. The petition for a clearer

answer having been read, Charles spoke as follows: —“ The answer I have already given you was made with so good deliberation, and approved by the judgments of so many wise men *, that I could not have imagined but it should have given you full satisfaction ; but to avoid all ambiguous interpretations, and to show you there is no doubleness in my meaning, I am willing to pleasure you as well in words as in substance. Read your petition, and you shall have such an answer as I am sure will please you.” The petition was then read †, and the clerk of parliament pronounced the royal assent in due form—*soit droit fait comme il est désiré*. The king further said :—“ This I am sure is full ; yet no more than I granted you in my first answer ; for the meaning of that was to confirm all your liberties ; knowing, according to your own protestations, that you neither mean nor *can* hurt my prerogative.” A memorandum on the lords’ journals states that the king’s speech and the royal assent to the bill were received by the commons with acclamations of joy.

The petition of rights ‡ was now one of the statutes of the realm. It affirmed and confirmed expressly the enactments of the 9 Hen. III. chap. 29. (Magna Charta), that no freeman be deprived of his liberty or his property except by judgment of his peers, or by the law of the land : of the 28 Ed. III. chap. 33., that no man, of whatever estate or condition, should be taken, imprisoned, disseised, disherited, or put to death, with-

* The lord keeper Coventry must have been one of the advisers of the king’s first and equivocal assent.

† See Rushworth—Parliamentary Hist., &c.

‡ It was drawn by Sir Edward Coke, and marks honourably the close of his public life. He lived a few years in retirement. There is something truly philosophical in the following anecdote of him :—“ Sir Edward Coke being now very infirm in body, a friend of his sent him two or three doctors to regulate his health ; whom he told, that he had never taken physic since he was born, and would not now begin ; and that he had now upon him a disease which all the drugs of Asia, the gold of Africa, the silver of America, nor all the doctors of Europe could cure, *old age*. He therefore both thanked them and his friend that sent them, and dismissed them nobly with a reward of twenty pieces to each of them.”—*Ellis’s Orig. Lett.* iii. 263. New Series.

out being brought to answer by due process of law : of the 25, 37, 38, 42 Ed. III., the 17 Rich. II., to the same intent.

It must be clear to every right mind, that this statute not only confirmed those first recited, but cut off all recourse to the antagonist enactments, judicial precedents, and exercises of prerogative, by which those statutes were heretofore silenced or evaded : — it is clear that by the petition of rights Charles was placed in a new, and, if it may be so termed, a constitutional relation to his subjects, compared, for instance, with Elizabeth and James. The sequel will exhibit this perverse, faithless, and most unfortunate prince trampling upon law and liberty in the persons and in the property of his subjects with a violence more tyrannical than was ever offered by his foolish father or practised by the illustrious despot-queen. Charles I. had, beyond most princes, that factitious pride or delusion of a superior nature — the effect, however, of a besotted popular convention and a bad education rather than of the individual — which draws a boundary line in the order of creation between the regal caste and the mass of men beneath. This inordinate pride had not in him the redeeming effect of elevating his character. It was combined in him with the most vulgar moral infirmities of human nature. Instead of rebuking, it sheltered them. Enveloped in the mantle of royal pride and personal impunity, he resorted, without scruple, to the meanest arts.

It is unnecessary to recapitulate the paltry and perfidious equivocations and subterfuges by which he endeavoured to defraud the commons, in the keen game of speeches and state papers, which ended in his assenting to the petition of rights. But it may be advisable to mention here, by anticipation, his crowning imposture. On the 10th of June, he sent a gracious message to the commons, desiring that the petition of rights, with his assent thereunto, should not only be recorded in both houses, and in the courts of West-

minster, but made public in print "for his honour and the content and satisfaction of his people." The king's printer accordingly printed several hundred copies with the king's assent in due form ; but of these a few copies only were allowed to get abroad, and, upon the prorogation of parliament, the printer received the king's orders from the attorney-general to suppress the whole impression, and the king's warrant to print and publish the petition of rights with the king's first and rejected answer.*

It may be thought that this imposture was not more shameless than absurd. But let it be remembered, that there was then no free press through which it could be contradicted or exposed, and that any person contradicting it in conversation, or in a private letter, had before him the terrors of the star-chamber.

The commons, with their petition of rights clothed in the form of law, returned to their house more in thankfulness than triumph. Mention was made of immediately sending the subsidies' bill to the lords.† They did not, however, forget remaining grievances. "Let us," said sir John Strangeways, "express our joy for the king's answer ; but let us also perfect our remonstrance." The first grievance they fell upon, says Rushworth, was the commission of excise. On the 12th of June, sir Edward Coke, attended by almost the whole house of commons, went up to the lords with a bill for granting five subsidies to the king. But the commons at the same time desired a conference with the lords, and a copy of the commission of excise already mentioned. They demanded that this commission should be cancelled, as authorising an imposition on goods without consent of parliament, contrary to the liberty of the subject, and the king's assent to the petition of rights. It was cancelled accordingly. It is, however, worthy of remark that Charles cancelled it as rendered unnecessary by the grant of parliament, not as contrary

* Rushworth, i. 628. Parl. Hist. ii. 436.

† Rush. i. 613. Parl. Hist. ii. 410.

to law, the ground taken by the commons. It would seem as if he thought arbitrary power over the persons and properties of his subjects so inseparable from his person, that it could not be affected by the most solemn acts of obligation or renunciation between a people and their sovereign.

They next took up the charges against the duke of Buckingham, and voted a remonstrance against him, to be presented to the king.* The speaker, much against his will, was charged to deliver the remonstrance.† Neil, bishop of Winchester, and Laud, of Bath and Wells, were voted at the same time by the commons under suspicion of Arminianism; by which was meant, a design against the religious independence and conscience of the people. Laud had already misgivings of being demanded and yielded as a sacrifice; and he expressed them to the king.‡ “Do not trouble yourself,” said Charles, “with such reports, until you see me forsake my other friends.”

The commons immediately took up the tonnage and poundage bill for one year, and resolved upon a remonstrance to the king against the taking of it without consent of parliament as illegal. Before they had time to pass the bill, and whilst they were in the act of reading their remonstrance, in order to its being engrossed, on the 26th of June, they were summoned by the king to the house of lords. The speaker had been with him in the morning, and came late§ to the house of commons, whilst the king came to the house of lords so much earlier than was expected, that the lords had not time to put on their robes. The king on the throne immediately addressed to both houses a speech, of which the bearing upon the actual and future resistance to Charles I., and upon the history of the British constitution, is so important and interesting, that it is right

* For this remonstrance, see Rushworth, i. 619., and Parl. Hist. ii. 420.

† Rush. i. 626. Whit. Mem. 11.

‡ Heylin, 171.

§ This late hour of the speaker's coming was nine o'clock in the morning, see Rushworth, i. 631.



to give it entire. The speeches of Charles, indeed, would for the most part admit of this. They have the merit of being short, simple, and pregnant with meaning. "It may seem strange that I came so suddenly to end this session before I give my assent to the bills. I will tell you the cause, *though I must avow that I owe the account of my actions to God alone.* It is known to every one, that a while ago the house of commons gave me a remonstrance, how acceptable every man may judge; and for the merit of it, I will not call in question, for I am sure no wise man can justify it.

"Now, since I am truly informed that a second remonstrance is preparing for me, to take away the profit of my tonnage and poundage, one of the chief maintenances of my crown, by alleging I have given away my right thereto by my answer to your petition.

"This is so prejudicial unto me, that I am forced to end this session some few hours before I meant, being not willing to receive any more remonstrances, to which I must give a harsh answer. And since I see that even the house of commons begins already to make false constructions of what I granted in your petition, lest it be worse interpreted in the country, I will now make a declaration concerning the true intent thereof.

"The profession of both houses in the time of hammering this petition, was no way to trench upon my prerogative, saying, they had neither intention or *power* to hurt it. Therefore it must needs be conceived that I have granted no new, but only confirmed the ancient, liberties of my subjects. Yet to show the clearness of my intentions, that I neither repent nor mean to recede from any thing I have promised you, I do here declare myself, that those things which have been done, whereby many have had some cause to expect the liberties of the subjects to be trenched upon, which, indeed, was the first and true ground of the petition, shall not hereafter be drawn into example for your prejudice; and, from

time to time, on the word of a king, ye shall not have the like cause to complain. But as for tonnage and poundage, it is a thing I cannot want, and was never intended by you to ask, nor meant by me, I am sure, to grant.

“ To conclude, I command you all that are here to take notice of what I have spoken at this time, to be the true intent and meaning of what I granted you in your petition ; *but especially you, my lords, the judges,* for to you only, under me, belongs the interpretation of laws ; for none of the houses of parliament, either joint or separate (what new doctrine soever may be raised), have any power either to make or declare a law without my consent.”

The responsibility to God alone, with which the king sets out, is but an old, and now idle or rather mischievous formula, derived from James and Elizabeth : his assertion of a right to the duties of tonnage and poundage for life will hereafter become a question : the monstrous assertion, that in assenting to the petition of rights he conceded nothing ; and his command, still more monstrous, if possible, to the judges so to interpret it, should never be lost sight of by those who would rightly appreciate the reign and character of Charles I. Upon the conclusion of this speech * the speaker presented the five subsidies' bill, the largest grant, he said, ever voted in so short a time, for the royal assent, which it received ; and the lord keeper duly strangled the commons' remonstrance† and tonnage and poundage bill, by a prorogation to the 20th of October following.

One of the first acts of Charles after the prorogation was to translate Laud to the see of London. The immediate service which marked this promotion was a reply to the commons' remonstrance, which Laud drew

* It was entered on the commons' journals by the king's special command (see Com. Jour. June 26. 1628).

† For this intended remonstrance, see Rushworth, i. 628. and Parl. Hist. ii. 431.

up by the command of the king.* Laud's first use of his patronage was to make Montague bishop of Chichester.† By way of counterpoise to this promotion, and to the promotion and pardon before mentioned of Mainwaring, Charles, or Laud, made Potter of Queen's college, Oxford, bishop of Norwich, suppressed Montague's book, "Appello Cæsarem," and Mainwaring's "Sermons," and issued the hackneyed proclamations against popish priests and recusants.

But the most remarkable incident at this moment, and, as it proved, one of the memorable incidents of the reign of Charles, was the desertion of sir Thomas Wentworth to the court. The history of his weakness, as it is related by a contemporary ‡, is one of the many proofs that the most frail of all virtues is the virtue of a politician. In Yorkshire, the county interest, if that phrase be permitted, was divided or disputed between the Savilles and Wentworth. Sir John Saville, before the opening of the prorogued parliament, was bought over with a seat at the council board, the comptrollership of the household, and a peerage. It was he, it will be remembered, who suggested the enforcement of the penalties of recusants as a source of revenue. Wentworth was fired with an envious and grovelling ambition, by the honours conferred upon a person whose character and capacity he despised. An expert courtier knows how to play upon every passion for his purpose. Weston, lord treasurer, took advantage of Wentworth's mood, and bought him off from the popular party, at the price of a seat in the council, the office of lord president of the north, and the title of viscount Wentworth, "by which," says Heylin§, "he overtopped the Savilles, both in town and country." It is said, that Wentworth's opposition from the beginning was but pique against the court; but it is difficult to suppose that so much frankness and vigour in his principles and eloquence were inspired less

* The extracts from it in Heylin prove it to have been a public performance.

† Heylin, 175.

‡ Life of Laud, 184.

‡ Heylin, Life of Laud, 184.

by patriotism than resentment; and it is certain that he became "a refuser" in the loan business, in the face not only of the displeasure of the court, which deprived him of the lieutenancy of the county of York, but of the most earnest counsels and entreaties of his friends.* His last speech in the house of commons on record was spoken on the 17th of May, against the lords' addition to the Petition of Rights. The first indication of his being gained over, is in a letter to him from the speaker, afterwards lord keeper Finch, dated the 28th of May.† On the 14th of July he was created viscount Wentworth, and called to the privy council. Weston, chancellor of the exchequer, was about the same time created a peer, and appointed lord treasurer in the room of the earl of Marlborough, laid aside as incapable, but not more incapable, says Clarendon, than when his appointment took place. The appointment had probably been bought by him, as by so many others before him.

Meanwhile an event, the most sudden and unexpected, filled the court with consternation, the kingdom with a feeling of vague but deep joy, — the duke of Buckingham was stabbed to death by John Felton.

The Rochellers held out against the power and genius of Richelieu, and all the hardships of a siege. Buckingham, when he left the isle of Rhé, promised to return. He sent his brother, lord Denbigh, with a fleet to their assistance. That inexperienced and incapable person found — by his account — the shore lined with batteries, the harbour guarded by armed vessels, and a cross boom, — the purpose of his expedition in short unattainable‡; looked on for a week at the enemy's defences, and returned without firing a gun. The result appeared so unaccountable, that it was ascribed by the French to a letter written by Anne of Austria to Buckingham, under the dictation of Richelieu. She desired he would at least delay the

* See his Correspondence, vol. i. at the beginning.

† Straff. Papers, i. 46.

‡ Carte, iv. 194.

embarkation ; and he sacrificed his sacred duty to his passion or his vanity. This anecdote is told by the best French writers, but without implicit reliance upon its truth.*

The Rochellers continued to implore succours from the king; and the duke de Soubize came over to solicit in person. A powerful fleet was equipped for the purpose, and Buckingham went to Portsmouth to command the expedition. He was at this time an object of the most rancorous odium, even to the populace. Satirical ribaldries against him were placarded in London ; and one of his dependents, called Dr. Lamb, was murdered by a savage rabble in the streets, under circumstances the most atrocious. † The king thought Buckingham incurred all this animosity only for his master's sake, and was but the more closely or blindly attached to him. Upon their visiting some ships at Deptford destined for the expedition, he addressed him thus : — “ George, there are some that wish these and thou might both perish. But care not for them : we will both perish together if thou doest.”

On Saturday morning, the 23d of August, as the duke was passing from his breakfast room, attended by several persons of distinction, French and English, and by some of his servants, through a hall to his carriage, he was suddenly struck, uttered the word “ Villain ! ” drew forth the dagger from his breast, staggered, and dropped dead. The words “ God have mercy upon my soul,” and even the sound of the blow, were heard by those next the

* Voltaire, *Essai sur les Mœurs*, &c. Ministère du Cardinal Richelieu.

† The following doggrel distich was in the mouths of the common people :—

“ Let Charles and George do what they can,
The duke shall die like doctor Lamb.” — *Rush*. i. 618.

Another libel, says a private letter of the day, was taken down from a post in Coleman Street, and brought by a constable to the lord mayor, some part whereof ran thus :—“ Who rules the kingdom ? The king. Who rules the king ? The duke. Who rules the duke ? The devil.” And the libellers there profess, “ Let the duke look to it, for they intended shortly to serve him worse than they did his doctor ; and if things be not shortly reformed, they will work reformation themselves.” At the sight whereof they say his majesty was much displeased, and commanded a double guard every night. — *Ellis's Original Letters*, iii. 352.

duke's person ; but the murderer passed away unobserved. In the confusion he might have escaped. There was a general cry, " Where is the villain ? " but not the slightest suspicion was entertained of him. Soubize, having gesticulated with the vivacity of a Frenchman in conversation with the duke, was supposed to have quarrelled with him, and would have been accused or sacrificed, if Felton had not come forward and presented his sword, saying, " I am the man: here I am." He was uncovered ; but his hat was soon found with a piece of paper attached by him to the lining, stating who he was, his act, and his motives, in the contemplation of his being suddenly and instantly despatched.* It proved that he was John Felton, a lieutenant in the army of the isle of Rhé, who had thrown up his commission in disgust, upon being refused a company, which he thought his due, and the payment of his arrears. Of a gloomy and exalted imagination and vindictive temper †, he ruminated upon what he supposed his own wrongs and those of his country from Buckingham, until he came to the conclusion that it was meritorious to take his life. Having formed his resolution, he caused himself to be prayed for in one of the London churches as " a person sore troubled in mind," bought a common dagger-knife at a cutler's shop, and set out for Portsmouth. He carried the dagger in a sheath attached to his pocket, so that he might draw the blade with one hand only — the other being maimed. The king desired that the secret of his instigators should be obtained from him by torture ; but the judges declared torture contrary to law. Upon being commanded to discover his accomplices, and threatened with the rack by lord Dorset and bishop

* The words were, " That man is cowardly, base, and deserveth not the name of a gentleman or souldier, that is not willing to sacrifice his life for the honour of God, his king, and his country. Let no man commend me for doing of it, but rather discommend themselves, as the cause of it ; for if God had not taken our hearts for our sins, he would not have gone so long unpunished."— *Jo. Felton*.

† Rushworth says (i. 638.), that, having a quarrel with a gentleman, he sent enclosed a piece of his little finger, to show how little he valued bodily pain or injury.

Laud, he declared upon his salvation that his secret was known only to himself ; that he was moved to kill the duke by the remonstrance of the house of commons* ; and that if put to the rack he would accuse his two interrogators, bishop Laud and lord Dorset. He was greeted by the common people with prayers and blessings on his way from Portsmouth to the Tower.†

The king held his court within a few miles of Portsmouth, and was at prayers when the intelligence reached him. He continued apparently unmoved until the service was over ; but there seems no doubt of his being deeply affected. It is stated that he shed tears.‡ He designed the murdered favourite a grand funeral, but changed his mind ; and the funeral of the brilliant duke of Buckingham took place at ten o'clock on the night of the 18th of September, “ in a poor and confused manner ; ” an empty coffin being borne on men's shoulders from Wallingford house to Westminster abbey. The body had been secretly interred the day before ; and this precaution, as well as that of lines of musqueteers and pikemen the whole way, was taken from the dread of popular outrage.⁹ The drums also beat loudly during the whole time, to prevent the execrations of the populace from being heard.

Such was the end of George Villiers, duke of Buckingham, when he had just entered his thirty-seventh year ; the most brilliant personage of Europe in his time ; the minion of two successive monarchs, whom he was formed to ruin ; the master of three kingdoms, which he would have ruined — if a great nation were capable of being ruined by a minion. Buckingham cannot be compared with his two great rival contempo-

* This is stated in several concurrent accounts, but nowhere in an authenticated form. Such a rumour would naturally be sent abroad by the courtiers. According to two accounts (Heylin in his *Life of Laud and Mead*, in *Ellis's Orig. Lett.*), it rested upon the credit of two court chaplains, sent by the king to discover his accomplices by working upon his conscience. Hume's statement is, in some particulars, erroneous. The best, if not the only authentic account, is that of lord Carlton, who was present, to the queen.

† *Reliq. Wott. Heylin's Life of Laud. Ellis's Orig. Lett. iii. Rush. i.*

‡ *Ellis's Orig. Lett. iii. 259.*

raries — Richelieu and Olivarez. They were statesmen — he was not even a minister. His ministerial incapacity is proved, not merely by the absence of a single conception of enlarged or dextrous policy, but by signal miscarriages. It is observed by Clarendon and others, that to be a minister he wanted only the counsels of a true friend. This notion seems questionable, not only respecting Buckingham, but in the abstract. A mind above the common order is inspired and actuated only from within. But his incapacity as a statesman proves in an inverse proportion his superiority as a courtier. Without the illusions of success in war or policy — with the disenchantments of failure — exposed in one of the most perilous of all situations — that of an odious favourite clamoured for as a sacrifice by an angry nation from its sovereign — he yet maintained his ascendant to the last. He did so in spite of enemies and rivals the most formidable; such as Bristol, who combined rank, courage, talents, and reputation with a popular cause — Williams, who combined all the arts and influences of the spiritual character, and an absolute ignorance of moral scruple and ordinary humanity, with a crafty nature and expert talents. To achieve this, demanded in him a rare union of adroitness and force. It is true he did so by playing upon the king's weak character: but why was not the instrument snatched from his hands, and played upon by some one of his many competitors? He was an indigenous court plant, with all its rank luxuriance, and more than its usual vigour. He had qualities which bordered upon virtues. He disdained the sordid, the petty, yet possessed no true elevation or generosity. He was frank in his resentments, and made proclamations of his purpose of revenge; not from magnanimity, but from fearless insolence — he would not descend to offer his enemies the homage of dissimulation. He was inordinately proud and arrogant, but not so much to those confessedly below him, as to those who had the same pretensions with him. His upstart pride was exaspe-

rated by the indefeasible pedigrees around him in the house of peers; and he avenged himself by making them crouch to him. His ambition was eager and absorbing, but it was the love of immediate power, the exercise of immediate superiority within the small horizon of his personal enjoyment and existence, without any love of true fame or sentiment of true grandeur. Essentially a courtier, he was frivolous. He valued more the vanity of being the reputed lover of Anne of Austria, than the glory of a conquest over France. In the impetuous pursuit of his frivolous passions, he hazarded every interest and forgot every obligation. He was ostentatious rather than magnificent. He was liberal, — or rather prodigal, — and unchanged to his friends: but those friends, so called, were subservient parasites.* It was made a crime in him that he raised his kindred to wealth and rank. His defence was, natural affection.† There appears no reason to question its truth, whatever may be thought of its validity. His mother exercised over him unbounded power, and abused it. It was a weakness on his part, but a redeeming and manly one. Personal courage was in him more than a vulgar quality. He showed the absence of all personal fear still more manifestly than that of all military qualifications, in the isle of Rhé; and he used every effort to win or force his way to the court of France, well knowing that the hatred of Richelieu would mark him out there for the swords of those who would fight, and the poniards of those who would assassinate. Being advised by a friend to wear a “private coat, he took it kindly,” says sir Henry Wotton, but said, “that against popular fury a shirt of mail would be a silly defence, and as to man’s single assault he took himself to be in no danger.” Intrepidity in every situation and enterprize of personal danger, audacity in all others, characterise his life.

* He had a council of these, which deliberated as regularly as the king’s.—Carte, iv. 196.

† See his answers to the charge, in Rushworth, i. Parl. Hist. ii. State Trials, ii.

He spoke in the house of lords with facility of expression, and with distinguished grace of manner. In all the glittering accomplishments of the age he excelled.*

Felton — to go back to the assassin of Buckingham — died with a profound feeling of remorse for his crime. His melancholy enthusiasm evaporated, and he saw his act in its true light. To mark his repentance and remorse, he desired that the executioner should first cut off his right hand; and Charles I. was eager to take advantage of his request, to inflict upon him that cruel superogation †; but the judges declared that the law disallowed it. At the sight of the fatal knife, produced on his trial, his eyes filled with tears. He was hanged in chains at Portsmouth. Were Buckingham a Cromwell or a Cæsar, Felton's name would come down with the honours of tyrannicide.

The expedition to Rochelle meanwhile was not abandoned. The earl of Lindsey assumed the command in the place of Buckingham, sailed from Portsmouth on the 8th of September, with a fleet of 140 sail, having 6000 soldiers on board, and arrived off Rochelle on the 19th. But the powerful and versatile genius of Richelieu had been for some time employed in its defence. There is in mind of the first order an instinct which supplies the place of instruction and experience. This truth was never better illustrated than in the disastrous failure of Buckingham in the isle of Rhé, and the triumph of Richelieu in the siege of Rochelle. The cardinal, with still less military knowledge and experience than the duke, put on the helmet and corslet for the first time at Rochelle, with the commission of general in chief from Louis XIII., maintained discipline, and directed the siege with admirable

* Lord Clarendon gravely relates a very absurd story about the ghost of Buckingham's father, which Carte (iv. 197. note) traces to one of Lilly's almanacks, about the year 1634. It is, however, in Lilly's "Observations on the Life and Death of King Charles," not in an almanac. Warburton (notes on Clarendon) treats the ghost story as an imposture of Buckingham's mother.

† Rushworth, i. 640.

diligence and skill ; and by means of an Italian engineer constructed, in despite of winds and waves, across the bay a boom like that which Quintius Curtius describes had been contrived by Alexander before Tyre. Lindsey could neither force the boom, nor burn the French ships with his floating petards, nor stand the fire of the land batteries ; and after two unsuccessful attacks sailed for England. The miserable Rochellers, after hardships the most dreadful — their numbers reduced by fighting and famine from 15,000 to 4000 left alive, — opened their gates by capitulation ; and a negotiation for peace was at the same time opened between England and France.

Charles, it has been observed, did not interrupt his devotions upon being informed of the assassination of Buckingham.* It was instantly concluded at court that he was not sorry to be relieved from the sway of the favourite. The suspicion proved groundless. He called the duke his martyr, and attached himself more confidentially and closely to his friends. Of these the chief was Laud, now bishop of London, and in fact, though not in name, at the head of the hierarchy. Gracious messages and letters passed frequently between the king and the bishop.† Charles however did not supply the place left vacant by Buckingham. The earl of Holland aspired to it. He was the chamberlain and reputed lover of the queen, and made an unsuccessful effort to attain, through her interest, the post of favourite.‡ Henrietta herself ruled her husband henceforth without a rival. It is a decisive proof of the influence of Buckingham over Charles, that the queen, with her beauty, grace, finesse, and hatred of the insolent favourite§, was unable to prevail against him.

Parliament was prorogued from the 20th of October to the 20th of January. The king, meanwhile, prepared new matter of angry debate. The suppression of

* His first thought, or at least first act, was to send a person to seize Buckingham's papers : what became of them does not appear.

† Heylin, 177.

‡ Clarendon, i. 112.

§ He reproved and threatened for having broken an engagement with his mother.

Montague's book and Mainwaring's sermons, and the inhibition at the same time against "preaching, reading, or making books pro or contra, in the Arminian controversy," proved to be a stratagem to silence the puritans. The proscribed books were already in circulation beyond the reach of suppression; and the inhibition applied only to the expected replies.*

The terrors of the star-chamber and high commission could not keep down the zeal of the puritans, and several offenders against the proclamations, among whom were Burton and Prynne, were now under prosecution in the latter court. Gill, a clergyman, denounced to the star-chamber for expressions in which there was more of careless levity than malice, and spoken in the college cellar, was condemned by that horrible tribunal to be degraded from his degree and ministry, to pay a fine of two thousand pounds, and to lose both his ears, one at Oxford and the other in London.

The king proceeded to levy an impost by prerogative upon wine and currants, under the authority of Bates's case, and also to collect the tonnage and poundage duty. Three merchants whose names deserve an honourable remembrance,—Richard Chambers, Samuel Vassal, and John Rolls, the last a member of the house of commons,—submitted to the seizure of their goods rather than pay a tax in violation of the public rights and liberties. Vassal pleaded to the information the statute *de tallagio non concedendo*. The court of exchequer over-ruled his plea, and would not hear his counsel. Chambers sued out a replevin to recover possession of his goods, on the ground that a seizure for tonnage and poundage, without grant of parliament, was against law; but the writ was superseded by the court of exchequer.

1629.

The king, at the approach of parliament, consulted with a select committee of the privy council upon the course which the court party should pursue in the house of commons. Judging by the record of this con-

* Rush. i. 635.

sultation*, no advance was made, or rather there was a falling off, in parliamentary management from the time of Cecil and Bacon, in the late reign. The committee itself may be regarded as the prototype of the modern cabinet council. The court members received their instructions what to say upon given contingencies, and in case the commons proved refractory respecting tonnage and poundage — that is, if they did not pass those duties for the king's life, and from the decease of king James — the responsibility of a breach was to be thrown upon them; and they were to be told that "the king would not suffer such irregular courses."

Parliament re-assembled on the 20th of January: all the committees of religion and grievance were revived. The first proceeding was an inquiry respecting the publication of the petition of rights, as before stated, with the first ambiguous assent of the king. Of this inquiry nothing seems to have come but the verification of the fraud.

Religious matters, comprising the growth of popery, and the encouragement of Arminianism, were next taken up. Of the jesuit community already stated to have been unearthed at Clerkenwell, severally were tried capitally at the sessions of the Old Bailey, but only one found guilty. Richardson, the sitting judge, was accused in the house of commons of criminal partiality to the prisoners, whose guilt he was said to have screened by refusing to hear evidence; and the king's staying the execution of the only convict, was alluded to in the inhuman spirit of fanaticism and persecution, which unhappily characterised the puritan or presbyterian party in that age. There might be some excuse for demanding from the king the execution of laws which were acknowledged essential to the public safety by all but the victims; but there can be none for clamouring for the blood of a single fellow creature, whose only crime was his being a papist, a jesuit, or a priest. The cry against Arminianism may be thought still more groundlessly fanatical.

* Rush. i. 642.

But when the case is viewed more closely, it will appear otherwise. The spurious Arminianism of Laud was not a matter of mere dogma ; it was an engine created to give the king, as head of the church, a power like that of the pope over the rights, ceremonies, and faith of the people ; it was a barrier to exclude the Calvinistic, who were all the most popular and independent divines, from the rich gifts of the church ; and its essence was to maintain the king's absolute power over the liberty and property of the subject, by prostituting the authority of the spiritual character, in wicked denunciations of the wrath of God and eternal perdition upon what they called the impious treason of men, who only resisted the robbery of their estates, and the oppression of their persons. Such was the Arminianism of Montague, Sibthorpe, and Mainwaring, whose pardon and promotion were severely handled by the commons, but without any specific result.

Laud began already to play the high priest upon being raised to the see of London. He caused a reprint of the thirty-nine articles, with the final inhibition already stated against all controversy prefixed.* The printers got up a petition against it, which was stopped on its way to the king.† But the pretensions of Laud were severely animadverted on in the house of commons. There is something whimsical in the rhetoric of some of the speakers. " I desire," said Rous, " it may be considered what new paintings have been laid upon the old face of her of Babylon, to make her show more lovely. I desire we may look into the belly and bowels of this Trojan horse, to see if there be not men in it, ready to open the gates to Romish tyranny ; for an Arminian is the spawn of a papist."

* This preface contains the following curious reasoning upon the thirty-nine articles : — " We take comfort in this, that all clergymen within our realm have always most willingly subscribed the articles, which is an argument that they all agree, in the true usual literal meaning of them ; and that, in those curious points in which the present differences lie, men of all sorts take the articles to be for them, which is an argument again, that none of them intend any desertion of the articles established."

† Neal, i. 52. Prynne, 165.

Pym laid down the following sweeping apophthegm of parliamentary supremacy and persecution: — “It belongs to parliament to establish true religion and to punish false.” “I remember,” said sir John Elliot, “a character I have seen in a diary of king Edward VI., where he says of the bishops, that some for age, some for ignorance, some for luxury, and some for popery, were unfit for discipline and government.” Oliver Cromwell denounced Neil, bishop of Winchester, for his favours to Arminian divines. Neil was the same bishop who burned the unhappy Arian before his palace gates at Lichfield in the late reign. The commons in fine entered into a protest under the name of avowing the truth of the articles, in the sense of their establishment, 13 Eliz., and against the sense of jesuits and Arminians. Laud, “laying aside,” says Heylin, “the dignity of his place and person †, answered the vow of the commons.” “It was,” he said, “against the king’s declaration,” that is, his own impugned preface to the articles in the king’s name. There are few more glaring instances of the fallacy in reasoning called *petitio principii*, or begging the question. The following dilemma put by him is more imposing: — “Is there by this act,” says his lordship, “any interpretation of the articles or not? If none, to what end is the act? If a sense or interpretation be declared, what authority have laymen to make it? for interpretation of an article belongs to them only that have power to make it.”

The popular leaders in the house of commons took up the seizure of merchants’ goods for imposts by the book of rates and the levy of tonnage and poundage with a fearless ardour more worthy of their characters. They began with the seizure of the goods of Rolls, a member of the house. It appears from the whole tenor of this debate, and even from an express resolu-

* Life of Laud, 181. Heylin, after comparing criticism on Laud to that of Alphonso of Castile on the Creator, censures the bishop for admitting that, in 13 Eliz., the articles of religion were established in parliament.

tion*, that the commons claimed privilege for their goods as well as persons.

The king, on the 23d of January, ordered the commons, by secretary Cooke, to forbear all proceedings on the subject until he should have addressed both houses at Whitehall next day. He began his speech with the customary rebuke of the commons, and a compliment to the higher dignity and more dutiful conduct of the lords. The gist of his speech was to deprecate jealousies, and to declare that he took tonnage and poundage as "the gift of the people; but a gift for his life, and which they had no discretion to withhold;" a contradiction in terms involving an absurdity in fact.

The commons, little moved and still less satisfied by this speech, turned aside to the religious grievances already referred to, and joined with the upper house in a petition for a general fast, to turn away God's displeasure from the reformed churches at home and abroad. Charles granted the petition, but told them truly, in reference to the foreign churches, that "fighting would do them more good than fasting." He soon after sent them two successive messages to hasten the tonnage and poundage bill, according to the tenor of his directions. They answered him by an "apology," which was equivalent to a refusal; objecting to the messages, as commands inconsistent with their privilege. Secretary Cooke, in communicating the king's answer on the 3d of February, said, "he was misunderstood as to a command, which was not the meaning, but simply a desire on the king's part for the sake of concord." He then read the king's answer, still insisting on their passing the tonnage and poundage bill, and concluding with a notice, that "if he found them slack he would give them such further quickening as he found cause." The commons only refused and debated with the more earnestness.

Acton, sheriff of London, who seized the goods of the merchants, appeared at the bar on his knees, and

* Parl. Hist. ii. 482.

was sent to the Tower. Several officers of the customs who made the seizures, also brought to the bar, declared that they seized for the king's revenue by virtue of the king's warrant; and one stated that he was sent for and commanded by the king to give no further answer. The barons of the Exchequer were called upon to explain their conduct. They justified their staying the replevin, on the ground that a replevin was "no lawful course in the king's case," but disclaimed touching the question of the legality of the seizure, and said they left the parties to their legal remedy.

It thus appears, that by the former decision of the King's Bench, and the present decision of the Court of Exchequer, the writ of habeas corpus did not protect the person, — that of replevin did not protect the goods, — of the subject from the simple will and pleasure of the king; in short, that the king still claimed, and his judges abetted his claim of that *ultima ratio regum* — that insidious "sovereign power" above all law, in favour of which the lords attempted to annex an express saving clause to the petition of rights.

On the 25th of February, a sub-committee of religion presented a long and elaborate report of "heads of articles to be insisted on by the house." Charles, to ward off this terrible array of charges, chiefly aimed at the Arminian system, so called, of Laud, sent a command to both houses to adjourn to the 26th of March. This command had the effect of drawing from sir John Elliot a denunciation of Weston, lord treasurer, as the enemy of the commonwealth, following in the footsteps of his master, the great duke, and the author of this interruption to the proceedings of the house. "They go about," said he, "to break parliaments, but parliaments will break them." The speaker delivered the king's command to adjourn. Several declared that it was not the speaker's business to deliver such a message, and that adjournment was a matter for the house only. Sir John Elliot produced a remonstrance to the

king against tonnage and poundage, and desired it should be read by the speaker. The speaker refused. He then desired it should be read by the clerk at the table. The clerk also refused. This fearless champion of the public liberty then read it himself, and demanded of the speaker to put it to the vote. The speaker said, "he was commanded otherwise by the king." Selden reminded him of his paramount duty to the house by his office. He replied that he had an express command from the king that upon delivering the message of adjournment he should rise; and he accordingly was about to leave the chair. Several members, among whom were Holles and Valentine, forced him back into the chair, whilst sir Thomas Edmonds and other courtiers endeavoured to release him. Holles swore the speaker should sit still until it pleased them to rise. He wept and entreated; said he would sacrifice his life for his country, but durst not sin against the command of his sovereign. Sir Peter Hayman renounced him for his kinsman, as a blot to his family. Neither advice nor threats could prevail, and Holles read and put to the vote the following protest: — "1st. Whoever shall bring in innovation in religion, or by favour seek to extend or introduce popery or Arminianism, or other opinions disagreeing from the true and orthodox church, shall be reputed a capital enemy to this kingdom and commonwealth. 2d. Whosoever shall counsel or advise the taking and levying of the subsidies of tonnage and poundage, not being granted by parliament, or shall be an actor or instrument therein, shall be likewise reputed an innovator in the government, and a capital enemy to this kingdom and commonwealth. 3d. If any merchant, or other person whatsoever, shall voluntarily yield or pay the said subsidies of tonnage and poundage, not being granted by parliament, he shall likewise be reputed a betrayer of the liberty of England, and an enemy to the same."

Whilst this protest was pending, a message from the

king commanded the serjeant to bring away his mace, as the means of putting a stop to all proceedings. The house not only prevented his going, but deprived him of the key of the door, which was locked. Upon this the usher of the black rod knocked at the door in the king's name, and was refused entrance. Charles, in a transport of rage, sent for the guard to force open the door; but the commons, meanwhile, having voted their protest, adjourned to the following 10th of March.

On that day the king came to the house of lords, and after a speech in which he called the patriot members of the house of commons vipers, who should have their rewards, commanded the lord keeper to declare the parliament dissolved. Several of the commons were present, but the house had not received the usual command to attend.*

The members thus termed vipers, and threatened with his vengeance by the king, were already in his grasp. The proclamation for the dissolution of parliament was signed on the 3d, but kept back to the 10th of March. Meanwhile Elliot, Holles, Selden, Valentine, Coryton, Hobart, Hayman, Long, and Stroud, who had been active in the scene of the protest†, were commanded, by warrant, to appear before the privy council. All except the two last presented themselves, but refused to answer out of the house what they had said in it, and were committed to the Tower. Stroud and Long also came in upon the issue of a proclamation for apprehending them, and were committed, like the former. The studies of Holles, Elliot, Selden, Long, and Valentine were entered, and their papers seized by the king's warrant.

The king issued a long declaration of his reasons for the dissolution. It rather exasperated than assuaged the public discontent. The people threatened his advisers, and clamoured for a parliament. Charles, with his

* Whit. Mem. 13.

† Carte says, that Coryton struck Winterton, one of the court party; but his only authority appears to have been the information in the star-chamber. See Rush. i. 665.

obstinate and despotic infatuation, issued a proclamation announcing his present disuse of parliaments, and forbidding, as a presumption, the mention of them.

It is astonishing that this prince, after the experience of his father's reign and his own, should hope to eradicate from the very heart of the English people their attachment to a parliamentary government as their birthright. Never was there an occasion less favourable for his purpose. He had, it is true, the patriot chiefs caged in the Tower; but it was too late. They had already launched the petition of rights upon the great ocean of the popular mind. Tyranny might imprison or slay them; or they might be tortured into a recantation, and prove recreant to their principles; but the petition of rights was irrevocable.

Those champions of liberty whom Charles sent to the Tower were no less heroes than the patriots of Marathon and Thermopylæ. Their position, viewed without reference to the event, was, perhaps, a more trying test of courage and character than the most fearful odds in battle, or the most forlorn defence of a pass. The terrors of the star-chamber, with its iniquitous judgments and atrocious punishments, were uncertain and prolonged. To face them demanded resolution the most sustained and fearless, a tone of mind the most firm, and elastic courage of the highest order, physical and moral. It is to these brave and virtuous patriots, whose names were long covered with obloquy or oblivion, that the English nation owes the preservation of its liberty.

CHAP. IV.

1629.

CHARLES GOVERNS BY PREROGATIVE.— HIS CHIEF COUNSELLORS.
 — CHARACTERS OF MANCHESTER—COVENTRY—PORTLAND—
 THE BROTHERS, PEMBROKE AND MONTGOMERY—CARLISLE—THE
 BROTHERS HOLLAND, WARWICK, AND NEWARK — ARUNDEL —
 DORSET — LAUD — WENTWORTH — COOKE AND CARLTON —
 HEATH — DIGGES, NOY, LITTLETON.— THE JUDGES CLOSETED.
 — THE IMPRISONED COMMONERS. — THEIR HAB. CORP. —
 LAW ARGUMENTS. — INIQUITIES OF THE JUDGES AND THE
 KING.— FINES AND IMPRISONMENTS. — ILLEGAL IMPOSTS.—
 RICHARD CHAMBERS. — FOREIGN AFFAIRS. — RICHELIEU. —
 GUSTAVUS ADOLPHUS. — PEACE. — WENTWORTH HAMILTON
 AND LAUD.— CHURCH GOVERNMENT OF LAUD. — ARMINIAN-
 ISM.— ARBITRARY IMPOSTS. — BIRTH OF CHARLES II.— TRIAL
 BY DUEL.—THE KING'S VISIT TO SCOTLAND.—LAWFUL SPORTS.
 — PRYNNE'S HISTRIOMASTIX. — HIS DREADFUL PUNISHMENT.
 — AFFAIRS OF SCOTLAND — OF IRELAND. — SHIP-MONEY. —
 HAMPDEN — HIS CASE.

CHARLES now entered upon his disastrous course of ^{1629.} governing by prerogative. It would appear that he did not regard it as an experiment which might fail, but as an alternative within his power, of which he never doubted the success. He had fitting instruments for his purposes and passions: a council reinforced with apostate lawyers to suggest arbitrary devices; judges to pronounce them lawful; the star-chamber to strike terror and execute his vengeance; court bishops to sooth his conscience and sanctify his misdeeds.

It may be right in this stage to review, by a passing glance, the individuals constituting the king's council. Their characters are treated copiously by Clarendon, in his History—if that name should be given to a voluminous pleading for his master, his party, and himself. His personal knowledge and capacity to judge give authority to his delineation; but any person at all ac-

quainted with the history of the period, and with the character and life of Clarendon, will see the propriety of guarding against the suggestions of his malice and his partialities.

The ablest of the king's counsellors was the earl of Manchester, the lord privy seal ; bred a lawyer ; serjeant at the close of the queen's reign ; the successor of Coke as the chief justice of the King's Bench, in which capacity he decided that Raleigh's commission was not equivalent to a pardon, and was no bar to his execution ; the purchaser of the office of treasurer from Buckingham for a bribe of 20,000*l.* ; the holder of it for only a year, when he was removed by the caprice of the favourite ; consoled by the appointment of president of the council and the title of viscount Mandeville, and at last more substantially recompensed with the profits of the privy seal. He submitted without a murmur, like a true courtier, to his loss from the rapacity of Buckingham, indemnified himself by unscrupulous cupidity in his office, and by being the ready instrument of the projects of the court ; and was especially employed as a check upon the lord keeper Coventry.* He was in one respect an exception to the common course of nature : his faculties acquired quickness and vigour with his advanced age.†

The lord keeper Coventry, in the ecstasy of his elevation, began his career as lord keeper with a high prerogative speech, most unsuitable to the second parliament of Charles I., yet foresaw the ruin provoked by the king's encroachment on the rights of a people grown inquisitive, impatient, and independent‡ ; made objections of law to the court measures, abandoned them to the legal authority of Manchester, and the fear of losing the favour of the king ; and yet, by his dexterous management, was the first who, for more than forty years, died lord keeper. Some have estimated him highly both as a lawyer and statesman§,

* Clarendon, i. 97.

† Ibid. 82.

‡ Ibid.

§ Ibid. 81.

whilst others represent him as a person of but ordinary acquirements and capacity.*

Weston, lord treasurer, afterwards earl of Portland, appears to have been a person of singular character. The slave of Buckingham, he aspired to be his successor; attempted to tread in his steps, and was accused and threatened as the author of the late dissolution: he lost in his elevation the character which he had for capacity and adroitness as a subaltern; he affected the exclusive power of Buckingham without his favour, and only made enemies; he was prodigal without liberality, and covetous without prudence; he was unwary and insolent at one moment, and overcome with panic fear the next moment, when he thought of the resentment he had provoked; he was looked upon as a concealed papist, yet hated by the catholics for his severe execution of the penal laws†, and avowed himself a Roman catholic at his death.

Of the brothers Pembroke and Montgomery, the former, a courtier and man of pleasure rather than a politician, now lord steward, had less ambition than pride, and made no conspicuous use of his position and influence: the latter, that Philip Herbert, favourite of king James, already mentioned, his brother's successor as lord chamberlain, and soon after in his title, was wholly unfit for the public trusts in which he will appear, unless his contemporaries have greatly under-rated and misrepresented him. Carlisle and Holland were the negotiators of the king's marriage. The former was that Scotch favourite Hay who came in the train of king James. He had address as a courtier, and was not without talents as a diplomatist, but so much the slave of pomp and prodigality, that, "after having squandered," says Clarendon, "above 400,000*l.* which,

* Whit. Mem. Wood, Ath. Oxon. ii. 650. Walpole, Cat. of Royal and Noble Authors.

† This is stated as a fact by Clarendon. There is, however, in the Strafford Papers (i. 52.), a letter from him to Wentworth, on the appointment of the latter to the presidency of the north, soliciting indulgence for the catholic recusants within his government.

upon a strict computation, he received from the crown, he left not a house nor an acre of land to be remembered by."* Holland was the son of that sister of Essex who separated from her first husband, lord Rich, and married her second husband, Mountjoy, afterwards earl of Devonshire,—the brother of lords Warwick and Newark, who will presently appear upon the scene. He was the creature of Buckingham; the lover of the duchess of Chevreuse, during his embassy at the court of France; the reputed lover of queen Henrietta, to whom he was chamberlain; had neither the steady principles nor determined passions which produce force of character and elevation, or consistency of conduct; and was indebted for his fortune to the graces of his person and manners.

Arundel, the earl marshal, made his peace with the court upon the death of Buckingham. There appears to have been less of virtue than pride in his opposition to the court. He seems to have had little part in the measures of the crown, but has left some memorials of a disreputable character in the star-chamber†, and is on the whole chiefly to be remembered for the collection of antiquities which bears his name.

Sackville, third earl of Dorset, grandson of Buckhurst, the successor of Burleigh as lord treasurer to queen Elizabeth, and educated under his care, had the wit, talents, and accomplishments of his family—possessed the confidence of Charles, and deserved it. His share in the king's worst measures seems to have been forgotten in his fidelity to the king's cause.

It would be premature to notice the yet undeveloped characters of Laud and Wentworth.

The two secretaries, Cooke and Carlton, were mere working instruments, not advisers of the crown. One was a plodding man of business; the other an expert diplomatist and servile courtier. The sally of the latter in the house of commons against parliaments has been already noticed. He has received credit for knowing the

* Clarendon, i. 110.

† See Rush. i. 672. Chambers's Case.

laws and usages of the different countries in Europe : judging by his conduct, it would seem that due exception should be made of his own.

The attorney-general, sir Robert Heath, is called by Whitelock "a fitting instrument for those times"—a severely simple trait, which completely expresses his character. To these may be added here, by slight anticipation, the conspicuous renegades bought over by the court—Digges, Noy, and Littleton. The sagacity of these men cannot be denied: yet, looking back to the relations between the court and the commons at that crisis, and leaving the event, if possible, out of view, the triumph of the king over the liberties of the nation seems so problematical, that their foresight might be called in question: but men are so much accustomed to look at the court as the depository of supreme power—the distributing source of riches, titles, and every other object of selfish ambition—that politicians miscalculate the force, and are unprepared for the triumph, of opinion and the people. Digges was made master of the rolls, Noy attorney-general, and Littleton solicitor-general. Digges and Noy, especially the latter, became, like most renegades, thorough partisans, without reserve or remorse; but Littleton's apostacy sat less lightly upon him: he ultimately obtained the seals, but lost his reputation and his happiness.*

* At this period, a suspicion prevailed that the king meditated throwing aside the gross mask which he had worn hitherto, and assuming, without disguise, the style of a monarch absolute. The suspicion was encouraged by the discovery of a paper entitled "A Proposition for his Majesty's Service, to bridle the Impertinency of Parliaments;" recommending the example of Louis XI. of France, who had suppressed parliaments in that kingdom, and submitting a detailed scheme of monarchical despotism in legislature, the administration, imposts, and the local government, which should constitute a military police. The attorney-general exhibited an information in the star-chamber, for the dissemination of this libel, against the earls of Bedford, Clare (father of Holles), and Somerset (the disgraced favourite of the late king), sir Robert Cotton, Selden, and St. John. The contents made it apparent that it was addressed to king James; and it was proved, by sir David Foulis, to have been transmitted twelve years before to the earl of Somerset from sir Robert Dudley, then residing at Florence. It is obvious, from their known characters, that the guilt charged upon them (including Somerset, who considered himself ill-used by Charles), was the circulation of the libel, not as agreeing with it, but to excite suspicion

The king began with a measure at once of tyranny and vengeance. He commanded his attorney-general Heath to proceed against the imprisoned commoners in the star-chamber. By way of a preliminary, he practised the usual iniquity of closeting the judges, and submitting to them questions which they should privately answer respecting the intended prosecutions.* The judges assembled accordingly, and gave answers short of his expectations. It is easy to perceive the struggle between their fear of offending the king on the one side, and of provoking the vengeance of a future parliament on the other. The last thing in their thoughts was respect for justice and the laws.† Whitelock, one of the

of the king. "The proposition," &c., according to Rushworth (vol. ii.), was communicated by Somerset to Bedford and Clare; but it appears, from the conclusive authority of the earl of Bedford's answer in the star-chamber (Tanner, MSS. See State Trials, iii.), that it came from Cotton to St. John, and from him to the earl of Bedford, who mentioned it casually, and showed it to Somerset, by whom it was recognised.

* Rush. i. 662.

† The answer of the judges, without the questions, are given by Whitelock. But there is a play of gladiatorship between the attorney-general, endeavouring to "catch the consciences" of the judges, and the judges, endeavouring to evade or parry his questions, which is of permanent historic interest, as affecting the privilege of parliament, and could not be perceived without giving both the questions and answers as follows from Rushworth:—

"The king, purposing to proceed against the members of the house of commons who were committed to prison by him in the *star-chamber*, caused certain questions to be proposed to the judgment upon the 25th of April.

"Whereupon all the judges met at *Serjeants' Inn* by command from his majesty, where Mr. Attorney proposed certain questions concerning the offences of some of the parliament men committed to the *Tower*, and other prisons. At which time one question was proposed and resolved, viz. that the statute of 4 H. 8., intituled 'An act concerning *Richard Stroud*,' was a particular act of a parliament, and extended only to Richard Stroud, and to those persons that had joined with him to prefer a bill to the house of commons concerning tinnors; and, although the act be private, and extendeth to them alone, yet it was no more than all other parliament men, by privilege of house, ought to have, viz. freedom of speech concerning those matters debated in parliament by a parliamentary course.

"The rest of the questions Mr. Attorney was wished to set down in writing against another day.

"Upon Monday following all the judges met again, and then Mr. Attorney proposed these questions:—

"1. Whether, if any subject hath received probable information of any treason or treacherous attempt or intention against the king, or his majesty's commissioners, when thereunto he shall be required, what information he hath received, and the grounds thereof; to the end, the king being truly informed, may prevent the danger. And if the said subject, in such case, shall refuse to be examined or to answer the questions which shall be demanded of him for further inquiry, and discovery of the truth, whether it be

judges, is represented in the memorials of his son as condemning the practice of ascertaining the opinions of

not a high contempt in him, punishable in the star-chamber as an offence against the general justice and government of the kingdom?

“*Sol.* The resolution and answers of all the justices, that it is an offence punishable as aforesaid, so that this do not concern himself, but another, nor draw him to danger of treason or contempt by his answer.

“*2. Whether it be a good answer or excuse, being thus interrogated, and refusing to answer, to say, That he was a parliament man when he received this information, and that he spake thereof in the parliament house; and therefore, the parliament being now ended, he refused to answer to any such questions but in the parliament house, and not in any other place?*

“*Sol.* To this the judges, by advice privately to Mr. Attorney, gave this answer:—‘That this excuse being nature of a plea, and an error in judgment, was not punishable, until he was overruled in an orderly manner to make another answer; and whether the party were brought in *ore tenus*, or by information, for this plea he was not to be punished.’

“*3. Whether a parliament man, committing an offence against the king or council not in a parliament way, might, after the parliament ended, be punished or not?*

“*Sol.* All the judges, *undá voce*, answered, he might, if he be not punished for it in parliament; for the parliament shall not give privilege to any *contra morem parliamentarium*, to exceed the bounds and limits of his place and duty. And all agreed, that regularly he cannot be compelled out of parliament to answer things done in parliament in a parliamentary course; but it is otherwise where things are done exorbitantly, for those are not the acts of a court.

“*4. Whether, if one parliament man alone shall resolve, or two or three shall covertly conspire to raise false slanders and rumours against the lords of the council and judges, not with intent to question them in a legal course or in a parliamentary way, but to blast them, and to bring them to hatred of the people, and the government in contempt, be punishable in the star-chamber after the parliament is ended?*

“*Sol.* The judges resolve, that the same was punishable out of parliament, as an offence exorbitant committed in parliament, beyond the office, and besides the duty of a parliament man.”

There was another question put by Mr. Attorney-General, viz. :—

“*Whether, if a man in parliament by way of digression, and not upon any occasion arising concerning the same in parliament, shall say, the lords of the council and the judges had agreed to trample upon the liberty of the subject, and the privileges of parliament, he were punishable or not?*

“The judges desired to be spared to make any answer thereunto, because it concerned themselves in particular.

“The next day Mr. Attorney put the judges another case:—

“It is demanded of a parliament man, being called *ore tenus* before the court of *star-chamber*, being charged, that he did not submit himself to examination for such things as did concern the king and the government of the state, and were affirmed to be done by a third person, and not by himself, if he confesses his hand to that refusal, and make his excuse and plead, because he had privilege of parliament.

“*Whether the court will not overrule this plea as erroneous, and that he ought to make a further answer?*

“It is the justest way for the king and the party not to proceed *ore tenus*, because, it being a point in law, it is fit to hear counsel before it be overruled; and upon an *ore tenus*, by the rules of the *star-chamber*, counsel ought not to be admitted; and that it would not be for the honour of the king nor the safety of the subject, to proceed in that manner.”

The version given by Nalson differs materially from the foregoing. He makes the judges answer in language much more favourable to the prerogative; but his authority, always suspicious, is valueless when it differs from the concurrent versions of Rushworth and Whitelock. See Whit. Mem. p. 13.

the judges beforehand, and declaring that Laud, if he persisted in his ways, would kindle a flame in the nation.* His complaint scarcely extenuates the offence of his compliance. Coke, in one of the bright moments of his life, declared the practice improper, and acted accordingly.

Stroud and Long were brought up by habeas corpus, with the return that they were committed by two several and similar warrants in each case: one from the privy council, without cause assigned, the other signed by the king, and setting forth "contempt" and "sedition" as the offences for which they were committed. Selden and his fellow prisoners were brought up by habeas corpus in the following (Trinity) term, and the same return made to the writ.

The detailed and elaborate authorities and arguments of counsel would not admit of abridgment within any admissible compass. But one difference between the counsel for the latter and those for the former should not be omitted. The counsel for Stroud and Long disputed both warrants — that of the privy council, as against the petition of rights — that of the king, on the ground that the king would not be liable to an action for false imprisonment, and therefore could not commit, in doing which he might be a wrong-doer.† Littleton, who had not yet deserted to the court, was counsel for Selden, and delivered an argument said to have been prepared by the latter.‡ He, too, cited the petition of rights against the general warrant of the privy council; but admitted that the king might commit by warrant, setting forth the offence, subject to the prisoner's right to bail, if it appeared by the return to the habeas corpus that he was committed for aailable offence. The other prisoners, Holles, Hobart, and Valentine, rested their case upon the argument made for Selden.

There is something so shallow, so flippant, and so

* Mem. 13.

† This ground was taken on the authority of Fortescue, *de Laudibus Legum Angliæ*.

‡ Preface to vol. iii. of Selden's Works.

shameless in the reply of the attorney-general Heath, as almost to exceed belief. "The first warrant," says he, "of the lords of the privy council was general by the command of our lord the king; and this in former times was held a very good return, when due respect and reverence was given to government; but *tempora mutantur*. The petition of rights hath been much insisted on; but the law is not altered by it, but remains as it was before: for *afterwards* (that is, after the second and unequivocal assent) the king expressed his intention and meaning in the said answer — 'That he had conceded nothing new.' A petition (he continues) is not a law; yet it is for the *honour and dignity* of the king to observe it." Thus did the prostitute crown lawyer nullify the Petition of Rights — a statute of the realm, and next to Magna Charta in importance — by the king's subsequent and arbitrary interpretation, against the express meaning of the petitioners, that is, of the parliament.*

The judges postponed their decision on the arguments of counsel. The law upon the point was yet clear. "It was," said Littleton, "of great consequence to the crown, and to the liberty of the subject, but, under favour, for any difficulty of law, the case could not be called grand." The judges wrote what Whitelock calls "a humble and stout letter" to the king, declaring that they were bound by their oaths to take bail, and requesting his direction to that effect. The lord keeper Coventry would not say whether the king had or had not seen the letter, but told them to attend at Greenwich. Charles received them with displeasure, and commanded them to consult with the other judges. The latter would also hear counsel, the

* Charles and the champions of his prerogative pretended an inherent supreme power in the crown (that perfidious "sovereign power" for which the lords tried to make an express saving clause in the petition of rights), over both the statutes and the common law. "As for the common law contained in the reports," says the sophist of Malmesbury (Behemoth, part i.), "they have no force *but what the king gives them*." He adds this remark, which, it must be confessed, cuts both ways: — "It were unreasonable that a corrupt or foolish judge's unjust sentence should by any time, how long soever, obtain the authority and force of a law."

captivity of the prisoners was prolonged, and Charles descended for the gratification of his spite to chicanery.* When the day came for giving judgment, the prisoners were not forthcoming. They had been removed by the king's warrant the day before from the custody of the several keepers to whom the writs were addressed! The king, on the preceding evening, sent a letter under his signet to the judges of the King's Bench, informing them that he had removed the prisoners to other places of confinement; "not," he said, "as some people might say, to decline the course of justice, but because they had carried themselves insolently and unmannerly to himself and their lordships when brought before the court." He told them that, nevertheless, from his respect for the court, Selden and Valentine should be brought up. Three hours later the same evening, a second letter from him announced that Selden and Valentine should be treated like the rest, and that none of them should be brought up until they showed more modesty and civility to him and their lordships. The counsel for the prisoners called for the judgment of the court; which the latter, under the circumstances, in the absence of the prisoners, declined.†

It was by such provocations that Charles I. provoked the parliament to extremities. This reflection is, indeed, suggested by his measures at every step.

The long vacation passed over the captive members in prison. Towards its close, the judges were commanded by the privy council to attend at Serjeants' Inn on Michaelmas day, "as his majesty had present and urgent occasion to use their service." They came accordingly, and the chief justice Hyde and justice Whitelock received orders to attend the king at Hampton Court next day. Charles talked with them, apart from the privy council then sitting; told them he was willing the imprisoned members should be bailed, notwithstanding their contumacy in refusing to declare "that they were sorry he was offended with them," and informed them that he should

* Whit. Mem. 14.

† State Trials, iii. 286.

abandon the information in the star-chamber, in order to proceed against them in the King's Bench. The judges disappointed him by their answers to several questions, upon which, says Rushworth, "he told them, that he never would be offended with his judges, so they dealt plainly with him, and did not answer him by oracles and riddles."* This remark of the king is perfectly just, and even affecting, with reference to his fate. It tends to extenuate, by dividing with others, the guilt of his unhappy counsels. Charles had, doubtless, wicked counsellors; but the judges appear to have been more deficient in courage than in honesty. They made criminal concessions, or resorted to shuffling equivocations, from base fear; but fear, it should be remembered, is one of the most pernicious as well as base vices in a judge.

On the first day of Michaelmas term, Selden and his fellow prisoners were brought into court, and the judges offered to bail them, upon their giving sureties for their good behaviour. They refused to give sureties for their good behaviour, but were ready with bail for their appearance. The judges were willing to accept the same bail for both; but the offer was refused. Ashley, the king's serjeant, offered his surety for Holles, his son-in-law; but Holles would not enter his own, and the court declared with reason that they could not accept bail where the prisoner himself refused to be bound. Long withdrew the sureties which he had just given in the judges' chamber. It was intimated to them "from," says Whitelock, "a good quarter, that if they petitioned the king," of course acknowledging that they had offended, they would be released without further difficulty. This also they refused, and were removed to the Tower.

Prerogative writers, a class or sect propagated, like prerogative lawyers, from one generation to another in English history, censure, and in censuring slander, the motives of those courageous and honest patriots at this

* Rush. i. 682. See also Whit. Mem. 14.

crisis of the struggle between the liberties of the nation and the king. "They laboured," says bishop Kennet, "against their own liberty, by such glorying in persecution, to raise a popularity to themselves, and cast an odium on the king."* But it will be recollected that "good behaviour," as interpreted by Charles, his privy council, and his judges, was not merely "a ticklish point," as it was called by them, but equivalent to that condition upon which the victor sometimes grants a capitulation to the vanquished,—that of not again bearing arms against him; that it was, in fact, an engagement to abandon the defence of law and liberty; and moreover, that in a struggle for vital principles even a slight compromise may prove fatal to the public cause.

The king next proceeded by information in the King's Bench against Holles, Elliot, and Valentine. The subject-matter and the criminal allegations were in substance the same as in the information before the star-chamber. The accused pleaded to the jurisdiction of the King's Bench, that offences alleged to have been committed in parliament were cognizable by parliament only. The judges upon demurrer† overruled this plea; the prisoners refused to put in any other; and they were sentenced to imprisonment during the king's pleasure, to be fined in several sums from 2000*l.* to 5000*l.*, and not to be released without security for good behaviour, and submission for their offences.‡

* Kennet, General History, iii. 49.

† Heath moved the court to set aside the plea without demurrer, but they decided that it should be argued, by way of imposing solemn formalities for deliberate justice.

‡ Sir John Walter, chief justice, differed from the other judges as to the extent of jurisdiction. He thought, according to Whitelock (Mem. 16.), "that a parliament man for misdemeanour in the house, criminally, out of his office and duty, might be only imprisoned, and not further proceeded against." "Which seemed," adds Whitelock, "very strange to the other judges, because it could not appear whether the party had committed the offence unless he might be admitted to his answer." Both Whitelock and Roger Coke, on the authority of his father, son of sir Edward (Detection, &c. 288.), state that Walter, upon being informed of the king's displeasure, vindicated his conduct, and said he was a judge *quamdiu se bene gesserit*, to be removed only upon proof of misconduct. Charles forbade him to act as a judge, but neither filled his place nor withheld his salary; a proof, not of the king's moderation or magnanimity, but of his fear of public opinion and the courageous virtue of the offender. The reader will presently find the other surviving judges subjected to scrutiny of their conduct.

Long was proceeded against in the star-chamber for a different offence — that of attending in parliament whilst he was bound to attend in Wilts, of which he was sheriff — and was sentenced by that iniquitous tribunal, — unquestionably not for this offence, but for his opposition in parliament, to a fine of 2000 marks, — imprisonment during the king's pleasure, and a public submission.

To avoid interrupting the proceedings against the imprisoned commoners, no reference has been made to the prosecution of Richard Chambers, who left his goods to be seized by the customs' officers rather than pay an impost by prerogative. This passive resistance was no offence in law ; but Charles would be revenged on a subject who would not be a slave. Chambers was prosecuted in the star-chamber, for saying that “ merchants were more screwed and wrung in England than in any part of the world, and were better used even in Turkey ;” fined 2000*l.* ; and adjudged to sign a written acknowledgment that he had spoken the words charged “ insolently, contemptuously, seditiously, falsely, and maliciously.” The honest puritan subscribed it as follows:— “ All the above contents and submission, I, Richard Chambers, do utterly abhor and detest as most unjust and false, and never till death will acknowledge any part thereof.” To this he subjoined several texts from the Bible, one of which ends, “ Woe to them that devise iniquity, because it is in the power of their hand.”*

Charles, during these unhappy distractions within the kingdom, was at war with the three great monarchies of Europe,—France, Spain, and in fact, though not in form, the Empire. A king of England without parliamentary supplies, however arbitrary and unscrupulous his other means of revenue, is one of the feeblest of sovereigns. The war, accordingly, without large forces in the field or at sea, subjected the nation to no serious hazards of defeat, and the enemy in every quarter was too much

* For the arguments, documents, and details of proceeding in all those cases, see Rushworth, i. ; Parliamentary History, ii. ; and State Trials (Howel's), iii.

engaged by nearer interests for a war of invasion or of commerce against England.

But the nation nevertheless was deeply injured. Nothing more injures a state than a weak manifestation of its power. This is so true, that no enlightened government, no great statesman, from those of Greece and Rome to the reign of Anne — from Themistocles and Demosthenes to Marlborough and Godolphin — thought of economy in war; and a false or factious economy proved fatal to Carthage.

The king's council, upon what he and they probably thought his final breach with the parliament, unanimously counselled peace.* The death of Buckingham and the growing influence of the queen hastened the conclusion of peace with France. It was settled soon after the fall of Rochelle, but not announced until the spring of this year. The terms were, in substance, a resumption of the antecedent relations between the two crowns, without reimbursement. It was negotiated under the mediation, ostensible rather than real, of the republic of Venice. The Duc de Rohan, one of the most ambitious and accomplished party chiefs, unsupplied with either men or money by Spain, and cut off from all hope of aid from England, could no longer maintain himself in Languedoc against Condé and Montmorency; and the consequence was, a general pacification between Richelieu and the Huguenots.†

That great minister was now enabled to exert the undivided energy of his genius in humbling the house of Austria. He accordingly marched a French army across the Alps — himself, a bishop and cardinal, com-

* Clarendon, i. 117.

† The terms of peace, stated as follows by Voltaire, are honourable to Richelieu: — “*Les villes Calvinistes sont traitées comme la Rochelle; on leur ôte leurs fortifications et tous les droits qui pouvaient être dangereux: on leur laisse la liberté de conscience, leurs temples, leurs loix municipales, les chambres de l'édit, qui ne pouvaient pas nuire. Tout est appaisé.*” Which of the two, it may be asked, after this was the more tolerant at this period, — the popery of France, or the protestantism of England? The answer is obvious and undeniable, and should teach religionists the duty of mutual charity, the prudence of mutual silence, and the salutary knowledge that intolerance is the vice of all religionists, when the philosophy of the few has not yet instructed and humanised the many.

manding as generalissimo at its head ; made the conquest of Savoy on his way ; brought the pope to reason ; entered into a league with the protestant princes of Germany, and invited Gustavus Adolphus into the heart of the empire. This it might be supposed was the proper moment for recovering the Palatinate, with the aid of France. But Richelieu seems to have at once despised and distrusted Charles I. He gave him peace with contemptuous facility ; and having no confidence in his resources and good faith, disdained his co-operation.

Charles's faithless and barren schemes about this period, affecting France, Spain, and the Low Countries*, amply justify Richelieu's distrust.

A curious phenomenon in politics, or in human character, here presents itself ;—the Spanish minister Olivarez leagued with Rohan and the Huguenot Rochellers against their catholic sovereign — Richelieu leagued with Gustavus Adolphus and the protestants of the Empire, — dictating in Italy to the pope † ; and, it will presently appear, having a secret understanding with the Scotch presbyterians against Charles I. A writer whose glance is surer and more penetrating than a century of plodding labour by other minds, has dated this sacrifice of religious devotion to ambition from the emperor Charles V. ‡ There is perhaps a certain subordination of the passions, — of all the great springs of human action, — which distinguishes minds of a high from those of a common order ; or perhaps ambition, being more congenial to superior capacity, naturally gains the ascendant.

Peace with Spain soon followed, in spite of all the 1630. arts and influence of the French ambassador and the

* See Clarendon, State Papers, i., and Hard. Papers, ii.

† Richelieu, in reply to a long detail of dangers and difficulties contained in the despatch of the general-in-chief of the French army of the Alps, announced his own elevation, and answered the general in the following laconic reply : — “ *Le roi a changé de conseil, et le ministère de maxime : on enverra une armée dans la Valteline, qui rendra le pape moins incertain et les Espagnols plus traitables.* ”

‡ The devotion of Richelieu, Olivarez, and the emperor Charles, cannot be called hypocrisy. It was sincere and bigoted.

queen. Cottington had been sent to Spain for the purpose in November. The queen shed tears of rage upon failing to dissuade the king from sending the ambassador.* The ratification took place in the autumn following. The pacification of king James (1603-4) was assumed as the groundwork.

The private confidence of Charles was now shared between the marquis of Hamilton, Wentworth, and Laud. They influenced in concert the general march of his government, and had each, at the same time, his particular charge,—Hamilton of the affairs of Scotland; Wentworth of the presidency of the north, which he soon exchanged for Ireland; and Laud of the church.

The church government of Laud did more to irritate and rouse the nation than the impost of ship-money. His high-prerogative divinity gave less offence than his innovations, so called, in dogma and ceremonial. Had he confined the Montagues, Sibthorps, and Mainwarings to the promulgation of divine right and passive obedience, it would have been endured. But whilst the puritans maintained that election and reprobation were arbitrary, predestinate, and of necessity, the Laudists propagated the Arminian heresy, that redemption was universal, that God gave free-will and divine grace sufficient for salvation to all mankind, that pagans and even papists might be saved;—and their corruptions of the protestant faith became intolerable.

Laud, according to lord Clarendon, found many churches in a state of most indecent slovenliness and ruin; the building neglected by the people; the chancel by the parson; the communion table in the body of the church, desecrated by common uses and “the approach of dogs †;” whilst the clergy in some instances affected to disuse the surplice; and puritan preachers, under the name of lecturers, thinned the congregations of the establishment. Abbot tolerated all this with the equivocal indulgence of one whose conscience was Calvinist, whilst his love of pomp and revenue was

* Ellis's Orig. Lett. iii. 284.

† Clarendon, i. 168.

archiepiscopal.* The new bishop of London issued instructions, in the king's name, extending therefore over the whole kingdom: "catechising" he substituted for "lecturing;" he ordered that the surplice and hood be worn in reading divine service; the gown, not a cloak, in preaching in market towns; that no person, not qualified by law, should entertain a chaplain; and that no minister, "unwilling to take upon him a living with cure of souls," should be admitted a lecturer.† He caused churches to be repaired, adorned, and reconsecrated. The communion table was removed and railed in at the eastern end of the chancel, the interior hung with pictures, the windows painted‡; and the reconsecration, after this

* See Clarendon, i. 157—167. Neal, Hist. of the Pur. i. 541.

† Neal, i. 540. Those puritan lectures are sketched as follows by Hobbes, with his peculiar force of delineation:—"And for the manner of their preaching, they framed their countenance and gesture at the entrance into the pulpit, and their pronounciation, both in their prayer and sermon, and used the Scripture phrase (whether understood by the people or not), so as that no tragedian in the world could have acted the part of a right godly man better than these did; insomuch that a man unacquainted with such art could never suspect any ambitious plot in them, to raise sedition against the state (as they then had designed), or doubt that the vehemence of their voice (for the same words with the usual pronounciation would have been of little force), and the forcedness of their gesture and looks could arise from any thing else but zeal to the service of God. And by this art they came into such credit, that numbers of them used to go forth of their own parishes and towns, on working days, leaving their calling, and on Sundays leaving their own churches, to hear them preach in other places, and to despise their own, and all other preachers that acted not so well as they: and as for those ministers that did not usually preach, but, instead of sermons, did read to the people such homilies as the church had appointed, they esteemed and called them dumb dogs."

* * * * *

"They did never in their sermons, or but lightly, inveigh against the lucrative vices of men of trade or handicraft; such as are feigning, lying, cozening, hypocrisy, or other uncharitableness, except want of charity to their pastors and to the faithful; which was a great ease to the generality of citizens, and the inhabitants of market towns, and no little profit to themselves.

"By preaching up an opinion, that men were to be assured of their salvation by the testimony of their own private spirit, meaning the Holy Ghost dwelling within them. And from this opinion the people that found in themselves a sufficient hatred towards the papists, and an ability to repeat the sermons of these men at their coming home, made no doubt but that they had all that was necessary to their salvation, how fraudulently and spitefully soever they behaved themselves to their neighbours that were not reckoned amongst the saints, and sometimes to those also who were thought worthy of that appellation." — *Behemoth*.

‡ Mr. Sherfield, a bencher of Lincoln's Inn and recorder of Salisbury, was about this period fined 500*l.* in the star-chamber for breaking a painted window in one of the churches of that city. The subject was the Creation. The recorder in his defence averred, "that the true history of the Creation

process, performed with much pomp and pageantry, and a theatric display of ceremonial observances.* Laud, in fine, was reproached with introducing corrupt doctrine and idolatrous worship into the bosom of the church; and the protestant mind, be it religious independence or fanatical zeal, revolted against him.

The complaint may appear greatly, if not irrationally, disproportionate to the provocation, especially as to points of doctrine. Arminianism, it has been observed, had so little connection with despotism, temporal or spiritual, that Barneveldt, Grotius, and the other patriot republicans of Holland, were Arminians†, whilst the usurping house of Orange affected rigorous Calvinism; and the questions mooted in the *quinquarticular* controversy, so called, were sometimes beyond the reach not only of certainty, but of comprehension. Such was the dogmatic theology of the schools. He who looks back over the vast and fantastic field of polemical controversy, up to Arius and the age of Con-

was not contained in that window, but a false and impious one. *God the Father* was painted like an old man with a blue coat, and a pair of compasses, to signify his compassing the heavens and the earth. In the *fourth* day's work there were fowls of the air flying up from God their maker, which should have been the fifth day. In the fifth day's work a naked man is lying upon the earth asleep, with so much of a naked woman as from the knees upwards growing out of his side, which should have been the *sixth* day; so that the history is false." For a full account of this proceeding, see Rushworth, ii., and the State Trials, iii.

* See the forms of the consecration of Creed church in Rushworth, Neal, and Hume, sub anno 1630.

† Arminianism was essentially tolerant. A French writer (the Abbé Pluquet) describes it as follows:—"Comme tous les réformés, *Arminius* et ses disciples, regardoient l'écriture comme la règle de la foi, et chaque particulier comme le juge du sens de l'écriture. Ils interprétèrent donc ce que l'écriture dit sur la grace et sur la prédestination, conformément aux principes de l'équité et de la bienfaisance qu'ils portoient dans leur cœur et dans leur caractère. Comme les Arminiens croyoient que chaque particulier étoit le juge naturel du sens de l'écriture, par une suite de principes d'équité, ils ne se crurent pas en droit de forcer ses autres à penser et à croire comme eux. Ils crurent qu'ils devoient vivre en paix avec ceux qui n'interprétoient point l'écriture comme eux; de-là vient cette tolérance générale, des Arminiens pour toutes les sectes Chrétiennes, et cette liberté qu'ils accordent à tout le monde, d'honorer Dieu dans la manière dont il croyoit que l'écriture le prescrivait. Chaque particulier étant le juge du sens de l'écriture, et n'étant pas obligé de suivre la tradition, c'est à la raison à juger du sens de l'écriture. L'Arminien qui a cherché à examiner les dogmes du Christianisme, a donc rapproché insensiblement ces dogmes des idées que la raison nous fournit. Il a rejeté comme contraire à l'écriture tout ce qu'il ne comprenoit pas, parce que chaque particulier étant obligé de croire l'écriture et de l'interpréter, il ne pouvoit croire que ce qu'il pouvoit comprendre."

stantine, will imagine himself in the land of chimeras, if his views be ordinarily capacious, and his perceptions sane. It is not to be supposed, at the same time, with the partisans of Laud and Charles I., that religious grievance was but a colour given to the wantonness of national prosperity*, and the turbulent impatience of all legitimate control. The grievance was not pretended, but deeply felt. It may now appear of slight moment whether divine service were read by a minister with or without a surplice, or a sermon preached by one in a short cloak or a gown; but for this the men of that day sacrificed all the comforts and endearments of life in a country which they loved, and exposed themselves to famine and disease† in the wilds of America.‡

The lecturers who would not take a living with cure of souls on the conditions to be subscribed or sworn, suggested a scheme to their lay patrons by which they should have livings without it. A sum was raised by voluntary contribution for the purchase of lay impropriations, the revenues of which were vested in certain feoffees, so described, for the use and sub-

* See Clarendon passim, and Warburton's notes in the 7th volume. The following is one of the notes in question:—"Under which it had enjoyed a greater measure of felicity than any nation was ever possessed of." This fallacy runs through the whole history. The subjects were not to vindicate their rights and liberty overturned, because that either by the less tyrannical exercise of arbitrary power, or by the excellent frame of even an oppressed constitution, or by the lucky conjunctures of the times, England then enjoyed a very great measure of felicity.

† The first winter, says Neal, from Mather's Hist. of New England, proved fatal to the infant colony (of 1629), carrying off above one hundred of their company.—*Hist. of the Pur.* i. 545.

‡ There were two successive emigrations to New England in 1629 and 1630; and it was calculated that all the transatlantic settlements which preceded the civil war, drained England of capital to the extent of 500,000*l.* (Mather's History of New England.) It is obvious from the "Church Covenant" of the emigrants, 1629, that the sect of independents was then beginning. "We," say they, "give ourselves to the Lord Jesus Christ, and to the word of his grace, for the teaching, ruling, and sanctifying, in matters of worship and conversation, resolving to reject all canons of men in worship." If this article discovers the freedom, the following no less indicates the tolerant spirit, of the independents. "We bind ourselves to study the advancement of the gospel in all truth and peace, both in regard of those that are within or without, no way slighting our sister churches, but using their counsel as need shall be; not laying a stumbling block before any, no, not the Indians, whose good we desire to promote, and so to converse as we may avoid the very appearance of evil." Such were the progenitors of those who in the next century began the heroic parricide of the American war in Massachusetts.

sistence of lecturers. The feoffees were prosecuted in the Exchequer Court for purchasing "rectories, tithes, prebendaries, &c.," the profits of which they applied contrary to law; and should, therefore, be placed at the disposal of the king. But this prosecution was so odious, and the confiscation so paltry, that a threatened proceeding in the star-chamber was not followed up. All this was visited upon Laud. He has recorded in his diary that the chancellor of his diocese told him "how miserably he was slandered by some separatists," with his reflection or prayer upon it, as follows:— "Pray God give me patience and forgive them."*

The king, having indulged, but not slaked, his vengeance upon the imprisoned patriots, sought expedients of revenue. He began with the odious and barren devices already tried by his father and himself. The duty of tonnage and poundage was continued as a matter of course. The impost by prerogative, on the authority of the court of exchequer in Bates's case, was levied on an increased scale. A commission was authorised by proclamation to compound for defective titles under the crown; that is, for tenants *in capite* to redeem themselves from the hardship of subjecting the validity of their titles to an iniquitous scrutiny, without the colour even of litigation. Those who had not received or compounded for the incumbrance of knighthood at his coronation, were commanded, under the penalties thereunto attaching, to make pecuniary composition. Large sums were extorted from individuals under the pretence of encroachment on the royal forests, and for contravention of statutes and proclamations imposing restrictions upon building; by monopolies of the luxuries of the rich and the wants of the poor—such as playing cards, soap, salt, coal,

* Neal, a writer on the whole of good faith and calm temper, says, his chancellor told him "he was miserably censured by the separatists." (Hist. of the Pur. i. 557.) This is one of the most frequent infidelities into which writers are led by the spirit of sect and party. The common reader has no idea of the number of instances in which a writer's version in his text discolours or neutralises the authority to which he refers, by variances, slight in terms but perfidious in sense.

candles, leather, and the various trades and occupations, down to the gathering of rags.

Charles, afterwards the second and last of that name in England, was born this year, on the 29th of May, whilst it has been recorded, "a bright star shone in the east at noon-day, to the inexpressible comfort of his majesty."* The same auspicious day and hour, the king's attorney-general, Noy, was prosecuting the earls of Bedford, Clare, and Somerset, sir Robert Cotton, Selden, and St. John, in the star-chamber, for the dissemination of a libel†; but in the midst of his harangue received his majesty's orders to abandon all proceedings, in consideration of the happy birth of an heir to the crown. The general joy is stated not to have been shared by the puritans, who received the event with gloomy forebodings of the probable popery of the young prince, and devoutly wished the succession might be continued through "the hopeful progeny" of the princess palatine.‡

The fortunes of this princess, who merited a better 1631. fate, and of her husband, who had nothing but demerits, were less hopeful than her progeny. After the utter discomfiture of the king of Denmark, whose habits of sottish intemperance are said to have been as destructive to him in the camp as they were degrading in the court§, Charles made some efforts in his sister's favour by negotiation. The emperor amused him by professions and pretences at the diet of Ratisbon; and the king of Spain, in the treaty of peace, made vain promises of his interest for procuring the restitution of the Palatinate. The invasion of Germany by Gustavus Adolphus afforded a gleam of hope to the unfortunate couple. That gallant prince encountered delays and difficulties which would have disheartened a person of less force of character. The emperor having dictated a humiliating peace to the king of Denmark, looked upon himself as so completely master of the Empire,

* Carte, iv. 209.

† Carte, iv. 210.

‡ The paper already mentioned.

§ Peyton, Div. Cat.

protestant as well as catholic, that he bestowed the duchy of Mecklenburgh on his general, the famous Wallenstein. By the death of Bethlem Gabor, he repossessed himself of Upper Hungary ; and the protestant princes of the empire did not come into terms with the Swede until the latter had entered Germany, and published his manifesto at the head of an army, small, but well constituted. Charles leagued himself with Gustavus, succeeded in mediating a peace between him and the king of Poland, and undertook to aid him with 6000 men.

1632. The relations of peace were all this time supposed to exist between Charles and the emperor ; thus loose were the principles of international jurisprudence.* The marquis of Hamilton, in conformity with this ambiguous position of both powers, received the king's commission to levy 6000 men in Scotland, and join Gustavus Adolphus in Germany at their head, as a private adventurer with his volunteer comrades. This levy revived the absurd proceeding, almost fallen into desuetude, of a trial by battle. Hamilton had a remotely contingent interest in the succession of the crown of Scotland. Donald lord Reay, colonel, and Borthwick, major, of a Scotch regiment, accused the marquis of raising these troops to usurp the crown of Scotland, under colour of an expedition to Germany ; the former alleging that this secret purpose was discovered to him by Ramsay, the latter by Meldrum, confidants of the marquis, who endeavoured to draw the informants into the conspiracy. † Borthwick brought his charge before the privy council against Meldrum, who was committed to prison. Reay, having no witness against Ramsay, made his charge, and offered to prove it by duel. Ramsay accepted the challenge, and a court of chivalry was duly constituted, — the earls of Lindsey, temporary constable of England, and

* Grotius had not yet published his famous work, " De Jure Belli et Pacis."

† Rush. ii. 107.

Arundel, earl marshal, presiding over it. All was prepared for the issue by combat, when the king revoked his commission to the court, and the proceeding was abandoned.*

The charge originated with Ochiltrie, a Scotch lord, who was prosecuted for it in Scotland. † He communicated it to the lord treasurer Weston, who, from envy of Hamilton's court favour, revealed it to the king as a conspiracy full of danger to his person as well as to his crown. Charles had the arbitrary will without the suspicious temper of a tyrant. He told Hamilton he was accused, and in the full confidence of his fidelity, commanded his immediate attendance as one of the gentlemen of the bedchamber. Hamilton demanded an investigation, and pending the procedure in chivalry, joined the king of Sweden in Germany. Charles, in a letter full of confidence, acquainted him with the termination of the proceedings without a battle. ‡ The combatant parties rejoined their regiments.

Hamilton's army suffered much from disease, and was unable to join the king of Sweden in time to share the honours of the victory of Leipsic. On the 7th of September, Gustavus completely routed the imperial general Tilly, with the loss of 10,000 slain and 7000 prisoners; and having overcome all resistance on his way, crossed the Rhine at Frankfort. He received the prince elector palatine as king of Bohemia, undertook to restore that prince upon conditions finally settled §, and was in the full career of victory, when he lost his life on the 6th of November (old style) in the memorable battle of Lutzen. The unfortunate elector died in a fortnight after of the plague, at Mentz, on his way to take possession of Frankendael.

Charles had not yet visited his kingdom of Scotland. 1633. He left London for that purpose with a splendid train on the 13th of May, and arrived by slow stages, signalised by the usual pomp of a royal progress, on the 15th

* For a full account of the proceedings in this burlesque exhibition of chivalry, see Rushworth, ii. 112, &c.

† See State Trials, iii.

‡ Rush. ii.

§ Carte, iv. 216.

of June, at Edinburgh. Various motives have been assigned for this visit; among others, his desire to gratify his native subjects, and his distrust of the marquis of Hamilton, whose health was said to have been given at table in Scotland as James VII.* The conclusive testimony of Laud, who advised and attended him†, Clarendon‡, and his conduct there, prove that his real object was to impose the liturgy upon the Scotch. He was crowned at Edinburgh on the 18th of June, with a seeming exuberance of public joy. The Scotch lords, eager for their interests and jealous of each other, dissembled and intrigued§; and the episcopal pomp of the ceremony shocked the more rigid presbyterians. Prelacy was the object of so much aversion in Scotland, that the bishops, from extrinsic influence or from inclination, were little more than ministers governed by the kirk assemblies. Lindsey, archbishop of Glasgow, having appeared at the king's side without the apparel of a prelate, was thrust aside by Laud, with the rebuke, which can scarcely be called unjust, "Are you a churchman and want the coat of your order||?" and the bishop of Ross was called to officiate in his place.

The Scotch parliament was opened by the king on the next day but one after his coronation. Large supplies were voted, but opposition was manifested to two proposed acts—the one relating to "the apparel of kirkmen," the other to "the ratification of former acts respecting religion." The states of Scotland, lords and commons, assembled together. Whilst the question was pending, Charles produced a paper from his pocket and said to them, "Gentlemen, I have all your names here, and I'll know who will do me service and who will not this day." Several lords and burgesses declared their assent as to the king's prerogative, but dissented from the proposed regulation of "the apparel

* Carte. Ochiltree's Case, State Trials, iii.

† Laud's Diary, May, 1633.

‡ Clarendon, i.

§ Ibid.

|| Rush. ii. 182. He adds, that the Scotch archbishop "scrupled to wear it because it was embroidered." The archbishop did not scruple to touch the golden revenues of his see.

of kirkmen." He insisted upon a simple "yea" or "nay," upon which several expressed their dissent; and, upon the clerk's declaring a majority for the affirmative, denied his correctness. Charles marked the votes, and declared the clerk's declaration must be received, unless some member should charge him with falsifying the return, at the peril of his life.*

At the court, the king treated the dissentients with marked displeasure, conveyed by frowns and silence. The knowledge of their disgrace would prove fatal to their authority with the mass of the people. They therefore took every advantage of his appearing in public to ride up to him, address him with smiles, and seem to tell him amusing stories, in spite of his utmost efforts to repel them by his airs of dignity and reserve. By this easy and unabashed behaviour, they passed themselves upon the multitude for the king's chief favourites, to his great discontent. Lord Falkland said on the occasion, that dignity, like adultery, required two parties.†

The time for establishing conformity in Scotland did not, upon deliberation, appear yet come, and Charles, having erected a bishopric, and made a bishop, of Edinburgh, and deposited the fatal seeds of religious discord, left Edinburgh on the 1st, crossed the border on the 16th, and arrived at Greenwich on the 20th of July. Laud had advised earnestly, that the establishment of the liturgy in Scotland should not be delayed, but was overruled by the Scotch bishops. Lord Clarendon intimates that it might then have been imposed without serious opposition. The king's visit had the effect of putting the nation on the alert.

The king and Laud were relieved of archbishop Abbot soon after their return from Scotland. He died on the 4th of August, not in retirement and disgrace, as it is generally represented, but in the enjoyment of his power and revenues at Lambeth palace.

Abbot owes his reputation to party. His indulgence

* Neal, i. 562.

† Clarendon, i. 143.

to the puritans was not toleration, but partiality. The man who stimulated king James to persecute Vorstius in Holland, was an intolerant bigot. His protestant zeal was a rancorous hatred of all that belonged to the church of Rome. Neither his morality nor his puritanism were proof against court favour and his interest. He defiled himself in the intrigues of king James's government by minions; and having denounced the Spanish match in public, signed the contract in private, as a privy counsellor. There was little merit in his refusal to license Sibthorpe's sermon. It would have ruined him with the puritans, and thus deprived him of the party influence which made his occasional compliance of value. Licensing for the press was by his account* no part of his duty, and it was probably required in this instance to force him to an option between his popularity, and the arbitrary measures of revenue then employed by the court. He had some early reputation as a preacher at Oxford†, but left no writings to attest his learning or capacity.

The three most eminent churchmen of this epoch, Abbot, Laud, and Williams, regarded each other with a hatred truly theological. It would seem that the rivalries of ambition and interest in the laity, though more violent, are rarely so envenomed. The two last now concentrated their animosity upon each other.

Laud, upon his first appearing in the king's presence after the vacancy of Lambeth, was welcomed with the title of "My Lord's Grace of Canterbury." The appointment was doubtless a matter tacitly, if not expressly, settled in the minds of both. It was at this crisis of his fortunes that the court of Rome offered Laud to make him a cardinal. The fact would probably be doubted if it were not recorded in his diary, and avowed by him upon his trial. He instantly made it known to the king, as it was his duty at the peril of his life. The offer was repeated in a fortnight after, and refused by him as before, with this answer, "that

* See his narrative, in Rush. i.

† Athen. Oxon.

somewhat dwelt within him, which would not suffer that, till Rome was other than it was." This language recorded by Laud himself, with no witness but his conscience, does not bear out the charge against him on his trial, but conveys a distinct implication, that he was willing to listen to Rome upon terms of compromise. The offer was made indirectly by a foreign ambassador, or by the nuncio, and probably would have been performed. The court of Rome had great hopes of Laud, and, ever vigilant, ever aspiring, still cherished the project of restoring its communion in England.

Laud's proceedings were distinguished by a curious mixture of relaxed discipline, which would now be called liberal and rational, with punishments the most horrible. Leighton, a Scotch divine, and father of the bishop of that name, addressed to the last parliament of Charles a publication entitled "Sion's Plea against Prelacy." The press, during the sitting of parliament, was employed, not with freedom, but with savage ferocity. This fanatic minister styled the bishops "men of blood," and called upon the parliament "to smite them under the fifth rib," vouched prelacy to be "unchristian" and "satanical," the canons "nonsense," kneeling at the sacrament "the spawn of the beast," and the queen "an idolatress," "a Canaanite," and "the daughter of the Heth."* The star-chamber sentenced him to be whipped, his ears cropped, his nose slit, his cheeks branded, — these barbarities to be protracted and repeated with ingenious cruelty, together with degradation and perpetual imprisonment. Laud is said, perhaps untruly, to have taken off his cap in the star-chamber, and thanked God for so just a sentence. †

* Rush. ii. 55. Whitelock, 15. Neal, i. 547.

† The execution of the sentence is recorded as follows by Laud, in his Diary (Nov. 1630): — "Friday, November 16., part of his sentence was executed upon him in this manner, in the new palace at Westminster, in term time.

" 1. He was severely whipped before he was put in the pillory.

" 2. Being set in the pillory, he had one of his ears cut off.

" 3. One side of his nose slit.

" 4. Branded on one cheek with a red-hot iron, with the letters S S., signifying a *stirrer up of sedition*, and afterwards carried back again prisoner to the *Fleet*, to be kept in close custody.

It was executed with a fidelity to the letter and spirit which excited the compassion and horror of the people. The atrocity of the libel — for it was atrocious — was forgotten.

Two of the judges, Richardson and Denham, on the western circuit, upon complaint made, prohibited “wakes, ales,” and other revels on Sunday, which the puritans affected to call the Sabbath. Complaints of this prohibition were made to the council.* Laud represented to the king that the judges had invaded the ecclesiastical jurisdiction, by directing their order to be read in churches without consent of the diocesan; and Richardson having been commanded to attend the council, and rebuked by it, retracted the order.† The justices of Somersetshire, with lord Paulet at their head, were about to petition the king against the revocation of the order of the judges, and the impiety of amusements on Sundays, when he anticipated them by issuing his late sacred majesty’s charter of Sunday recreations set forth in his royal book of sports. Laud in this, as in some other instances, suffered injustice. He began by writing to the bishop of the diocese for information.‡ The bishop in reply said, that “the feasts and revels” had led to some few excesses and abuses; but that the suppression of them was generally unacceptable; and that they produced among the people mutually benevolent feelings and acts

“And, on *that day sevensnight*, his sores upon his back, ear, nose, and face being not cured, he was whipped again at the *pillory* in *Cheapside*, and there had the remainder of his sentence executed upon him, by cutting off the other ear, slitting the other side of the nose, and branding the other cheek.” Leighton was released, after ten years’ captivity, by the Long Parliament. He had lost his sight, hearing, and the use of his limbs.

* Rush. ii. 192.

† Neal, and other writers of his party, have repeated after Prynne, that Richardson came out of the council in disorder, and told lord Dorset that Laud had “shook and nearly choked him with his lawn sleeve.” Heylin’s account is more probable. He says, the judge “received such a rattle for his former contempt of the bishop of London, that he came out blubbering and complaining that he had been almost choked with a pair of lawn sleeves.” The enemies of Laud appear to have turned a figure of speech into literal fact.

‡ Rush. ii. 192.

of charity.* Laud declared that he would not have the people debarred of their favourite recreations upon any frivolous pretences to gratify "humourists;" and acted accordingly. Reason surely was on his side; but mankind is so constituted, that to treat men reasonably may be the greatest imprudence.

The "humourist" justices, some from scruples of conscience, others, and perhaps the greater number, from a meddling conceit of their authority †, and the easy process of being devout and moral at the cost of their neighbours, exclaimed against the profanation of the Lord's day. The whole body of the puritans beheld with horror the authority of the king and the church set up against the command of God ‡, and the sabbatarian dispute was revived. Charles like his father commanded the clergy to read the declaration of lawful sports to their congregations, and several of the clergy who refused were fined, suspended, or excommunicated by the

* The bishop (Pierce, of Bath and Wells) gives the following account of those Sunday amusements of the people:—"There are, in Somersetshire, not only feasts of dedication (or revel days), but also church ales, clerk ales, and bid ales.

"*Feasts of Dedication* are in memory of the dedication of their several churches; those churches which are dedicated to the Holy Trinity have their feasts on Trinity Sunday, and so all the feasts are kept upon the Sunday before or after the saint's day to whom the churches are dedicated, because the people have not leisure to observe them on the week days: this," says his lordship, "is acceptable to the people, who otherwise go into tippling houses, or else to conventicles.

"*Church Ales* are when people go from afternoon prayers on Sundays to their lawful sports and pastimes in the churchyard, or in the neighbourhood, in some public house, where they drink and make merry. By the benevolence of the people at these pastimes, many poor parishes have cast their bells and beautified their churches, and raised stocks for the poor; and there had not been observed so much disorder at them as is commonly at fairs or markets.

"*Clerk Ales* (or lesser church ales) are so called because they were for the better maintenance of the parish clerk; and there is great reason for them (says his lordship); for in poor country parishes, where the wages of clerks are but small, the people, thinking it unfit that the clerk should duly attend at church and not gain by his office, send him in provisions, and then come on *Sundays* and feast with him, by which means he sells more ale, and tastes more of the liberality of the people, than their quarterly payment would amount to in many years; and since these have been put down, many ministers have complained to me (says his lordship) that they are afraid they shall have no parish clerks.

"*A bid Ale* is when a poor man, decayed in his subsistence, is set up again by the liberal benevolence and contribution of his friends at a Sunday's feast."

† They complained that feast revels introduced not only "profanation of the Lord's day, but tippling, *contempt of authority*," &c.

. ‡ Neal, i. 569.

high commission court. It was observed that Laud enforced the order within his immediate jurisdiction with great moderation. His enemies accounted for it, by saying, that with the cunning of the fox he would prey at a distance from his den, and throw the odium on others.*

Whilst the people were indulging in feasts and revels, the king and queen amused themselves with plays, masques, and dancing, at court. Prynne published at this period his "*Histrionomastix*," of which few readers of the present day know more than the title. It was a huge volume of learning and scurrility against plays, masques, dances, maypoles, feasts, and perukes, with "occasional" and fierce digressions upon church music and discipline. Among the inculcated parts which admit of citation were his assertion that "plays were the chief delight of the devil,"—that "the devil was honoured in dancing," that "our shorn and frizzled English ladies had lost their modesty," that church music was "not the voice of men, but rather a bleating of brute beasts, the choristers bellowing tenor, as it were oxen, or barking counterpoint as a kennel of dogs, or roaring out treble like bulls, or grunting out a bass as it were a number of hogs." The book was the labour of several years of misanthropic temper and brooding fanaticism.†

* Laud was also accused of altering, without consent of parliament, the text of the common-prayer book, with the view to render it more offensive to puritans, and acceptable to papists. This matter properly belongs to ecclesiastical history. It may, however, be not improper to cite the following alterations, as stated by Neal:—"In the collect for the royal family, the *princess Elizabeth and her children were left out*, and these words were expunged, *O God, who art the father of thine elect, and of their seed*, as tending towards particular election or predestination. In the prayer for the 5th of November were these words: 'Root out that anti-christian and Babylonish sect, which say of Jerusalem, down with it even to the ground. Cut off those workers of iniquity, whose religion is rebellion, whose faith is faction, whose practice is murdering both soul and body;' which, in the last edition, are thus changed: 'Root out the anti-christian and Babylonish sect of them, which say of Jerusalem, down with it. Cut off those workers of iniquity who turn religion into rebellion,' &c. — the design of which alteration was to relieve the papists, and to turn the prayer against the *puritans*, upon whom the popish plot was to have been fathered. In the epistle for *Palm Sunday*, instead of, 'In the name of *Jesus*, as it was heretofore, it is now, according to the last translation, 'At the name of *Jesus* every knee shall bow.' " The Greek text, *ἐν τῷ ὀνόματι*, as every scholar will perceive, bears out the version of the archbishop.

† His dedication to the benchers of Lincoln's Inn opens as follows:—

The author had made several attempts in vain to get it licensed for the press. He denounced as particularly heinous the appearance of males in female characters on the stage. One of the licensers to whom he applied put this question to him:—"Suppose, Mr. Prynne, you as a Christian were persecuted by pagans, think you not you did well if you disguised yourself in your maid's apparel?" to which the rigid puritan replied, that he "thought himself bound rather to yield to death."* A part only was at last read and licensed by Buckner, chaplain to archbishop Abbot†, and Prynne published the whole.

No immediate notice was taken of the "Histriomatrix."‡ The queen acted a part in a pastoral at Somerset House in a few weeks after the publication. Laud and some other prelates, with their court instruments, took advantage of the queen's performance to exasperate the king against the author, and the very next day pointed out to him an expression too gross to be cited, which they said was intended for the queen and her pastoral, though the book had been published six weeks before. This statement, made by Whitelock‡, is scarcely credible. Common prudence, no less than respect for truth, would prevent a suggestion so obviously false, and so easy to be exposed. At the same time there is enough to warrant the suspicion that Prynne had in view the queen's known fondness for balls, masques, and other court gaieties. "The king, though thus exasperated," says Whitelock, "would have left the author unpunished, if Laud had not got Heylin, then one of his chaplains, to make garbled extracts from the book, which were submitted by the archbishop to Noy, the attorney-general. Prynne,

"Having, upon my first arrival here in London, heard and seen in four several plays (to which the pressing importunity of some ill acquaintance drew me while I was yet a novice), such wickedness, such lewdness as then made my penitent heart to loathe, my conscience abhor, all stage players ever since." One of his complaints was, that plays were printed on fine paper, and sold in greater numbers than the Bible: and, in a marginal note, he put "Ben Jonson, &c."

* Rush. ii. 225.

† Ibid. 223.

‡ Memorials, 18.

with Sparkes the publisher, Buckner the licenser, and other persons employed in printing the book, were brought by information into the star-chamber. Noy carried on the prosecution with the rancour of a renegade. It is worth remarking that he disclaimed studiously touching those parts which reflected upon the church and the clergy. He was commanded, he said, to omit them in the information*, and he should merely recommend them to the cognizance of the ecclesiastical commission. The command doubtless came from Laud, who, like Bancroft, aspired to emancipate the church from temporal jurisdiction. The speeches of the judges are recorded fully†, and are well worth perusal. Lord Dorset distinguished himself by his wit and inhumanity.‡ The sentence upon Prynne was expulsion from Oxford and the bar, a fine of 5000*l.*, the loss of both his ears, the pillory twice, the burning of his book before his face by the common hangman, and imprisonment for life.§

The members of the inns of court, by way of repudiating Prynne and his book, entertained the king,

* Rush. ii. 223.

† See *ibid.* ii.

‡ The following are his words in giving sentence: — “Mr. Prynne I do declare to be a schisme-maker in the church, a sedition-sower in the commonwealth, a wolf in sheep's clothing, in a word, *omnium malorum nequissimus*. I shall fine him *ten thousand pounds*, which is more than he is worth, yet less than he deserveth; I will not set him at liberty, no more than a plagued man or a mad dog, who, though he cannot bite, he will foam; he is so far from being a sociable soul, that he is not a rational soul; he is fit to live in dens with such beasts of prey as wolves and tigers like himself: therefore I do condemn him to perpetual imprisonment, as those monsters that are no longer fit to live among men, nor to see light. I should burn him in the forehead, and slit him in the nose, for I find that it is confessed of all, that Doctor Leighton's offence was less than Mr. Prynne's, then why should Mr. Prynne have a less punishment? He that was guilty of murder was marked in a place where he might be seen, as Cain was. I should be loth he should escape with his ears, for he may get a perriwig, which he now so much inveighs against, and so hide them, or force his conscience to make use of his unlovely love-locks on both sides. Therefore I would have him branded on the forehead, slit in the nose, and his ears cropped too.”

§ Judge Richardson is said (Heylin, 249. Carte, iv. 222.) to have declared that Prynne might have been convicted of treason. The version of his speech in Rushworth contains merely an insinuation of treason, founded on the following passage in the *Histriomastix*: — “Tribellius Pollio relates, that Martian, Heraclius, and Claudius, three worthy Romans, conspired together to murder Gallienus the emperor (a man much besotted and taken up with plays, to which he likewise drew the magistrates and people by his lewd examples), as Flavius and others conspired Nero his murder, for the selfsame cause.”

queen, and court with a grand masque, represented at Whitehall.*

These dreadful severities did not reform Prynne. 1634. His ears were stitched on, and growing to his head † in the Tower, and in this state he hazarded them a second time by addressing a sharp letter of remonstrance to Laud. The archbishop placed the letter in the hands of the king, who referred him to Noy the attorney-general. ‡ Noy had Prynne brought before him from the Tower, and asked him whether he had written the letter. Prynne said he must see it before he could answer, and having received it, took advantage of Noy's turning his back, to tear it, and throw the fragments out of the window: proceedings were commenced against him in the star-chamber, but in consequence of the destruction of the letter were abandoned.§

The archbishop at the same time was assailed by another adversary, Lady Davies, whose mode of annoyance was prophecy. She was the widow of sir John Davies, noted for his devotion to poetry and prerogative; had obtained reputation as a prophetess by predicting the death of Buckingham; fancied herself possessed with the spirit of the prophet Daniel, because, overlooking a letter or two of her name, "Eleanor Davies" might be anagramatised into "Reveal, O Daniel;"

* Whitelock's Memorials, 19. It was got up under the direction of the benchers, upon a hint from the court. Each inn appointed two members to act as a committee: among them were Selden (who had been released on bail some time before), Noy, Finch, speaker of the last house of commons, Hyde, afterwards earl of Clarendon, and Whitelock, who has recorded it in his Memorials with disproportionate copiousness and self-complacent vanity.

† "Mr. Prynne, prisoner in the Tower, who hath got his ears sewed on that they grew again as before to his head, is relapsed into new errors." *Lett. of Garrard to Wentworth, Straff. Pap.* i. 266.

‡ Heylin, 250. Laud's Diary, June 1634.

§ Laud says in his Diary, "Mr. Attorney-general brought him (Prynne) into the star-chamber, where all this (about his tearing the letter) appeared, I there forgave him."—Rushworth observes in a marginal note, that Prynne escaped for want of evidence to proceed (*Rush.* ii. 245.); whilst Carte, coming later, says (*iv.* 22.), Noy had an attested copy, and Prynne escaped through the intercession of Laud. The archbishop certainly appears to have been humane and indulgent in this instance. He solicited as a favour from the court, that Prynne might be allowed pen, ink, paper, and books, and protested (his enemies say, but without any stated grounds, that he pretended) his utter ignorance of the seizure of Prynne's books and papers by his pursuivants. See *Rushworth*, ii. 248.

confidently predicted the death of Laud in the following November, and was called before the high commission court, where Lamb, dean of the arches, exorcised her by an ingenious counter-anagram.*

Scotland, since the king's visit, was agitated by popular alarm for the kirk, and the secret cabals of the nobles. The Scotch, as to feasts and pastimes, were left to themselves; but the people were in constant fear of the intrusion of the English liturgy, and the nobles were enraged at the extent to which the king bestowed state office and influence on the clergy, as a preparation suggested by Laud for effecting his system of conformity. A paper, in the form of a petition to the king, containing various matters of grievance or alarm, drawn up by a Scotch advocate, named Haig, was privately circulated. Haig escaped, but a copy was found in the possession of lord Balmerino. He was one of the opposition in the recent Scotch parliament. The paper was altered and interlined in his handwriting, and a capital prosecution was instituted against him. There was in Scotland no right of challenge; the jury was selected by the crown officers; the foreman was lord

* Heylin (Life of Laud, 251.) gives the following account:—“And that the other sex might whet their tongues upon him, also the lady *Davies*, the widow of sir *John Davies*, attorney-general for king *James* in the realm of *Ireland*, scatters a prophecy against him. This lady had before spoken something unluckily of the duke of *Buckingham*, importing that he should not live till the end of *August*, which raised her to the reputation of a *cunning woman* amongst the ignorant people; and now she prophesies of the new archbishop that he should live but few days after the 5th of *November*; for which, and other prophecies of a more mischievous nature, she was after brought into the other court of *high commission*, the woman being grown so mad, that she fancied the spirit of the prophet *Daniel* to have been infused into her body. And this she grounded on an *anagram* which she made of her name; viz. ELEANOR DAVIES,—REVEAL, O DANIEL. And though the *anagram* had too much by an L, and too little by an S, yet she found *Daniel* and *reveal* in it, and that served her turn. Much pains was taken by the court to dispossess her of this spirit, but all would not do, till *Lamb*, then dean of the arches, shot her through and through with an arrow borrowed from her own quiver; for whilst the bishop and divines were reasoning this point with her out of holy scripture, he took a pen into his hand, and at last hit upon this excellent *anagram*; viz. DAME ELEANOR DAVIES,—NEVER SOE MAD A LADIE; which having proved to be true by the rules of art, *Madam*, said he, *I see you build much on anagrams, and I have found out one which I hope will fit you.* This said, and reading it aloud, he put it into her hands in writing, which happy fancy brought that grave court into such a laughter, and the poor woman thereupon into such a confusion, that afterwards she grew either wiser or was less regarded.

Traquair, a hostile partizan ; the two Scotch acts of the 10th and 14th James VI. rendered almost any censure of the king or government, spoken or written, a capital offence* ; and Balmerino, the son of him who was so equivocally disavowed and punished by James, was found guilty.† The king, at the intercession, it is said, of Laud, gave him a full pardon ; but the people were exasperated by the iniquity of the prosecution : and the nobles began to perceive that they had no security for their lives, honours, and estates, but the king's humanity or pleasure.

The king's want of revenue all this time was extreme, both in England and Ireland. Wentworth was appointed lord deputy in 1632, and soon changed the state of public affairs. The crown was in debt, and the revenue, far short of the expenditure, could be collected only by a military force. Wentworth displayed, on entering upon his government, that union of capacity and vigour for which he was then unrivalled, — for the world was yet unacquainted with the genius of Cromwell. He called a parliament, from which he obtained a grant of six subsidies ; he discovered and corrected malversations ; he vindicated the rights of the crown, where they were usurped or intercepted ; and, in fine, he restored the king's finances, and paid the king's debts.‡ Wentworth, doubtless, exercised a vigour beyond the law ; if, indeed, any act should be so called, according to the practice of government in Ireland at that period. But his tyranny was that of a

* See Carte, iv. 222.

† For a full account of this case, see State Trials, iii. ; Laing's History of Scotland, iii. ; and Brodie's British Empire, ii. Both Laing and Mr. Brodie pass over much too lightly, or scarcely touch, the horrible jurisprudence, in enactment and procedure, which admitted of such iniquity.

‡ Carte, Gen. Hist. iv. 222. ; Life of Ormond, i. 50, &c., and Essay towards the Life of Lord Strafford, by Sir George Radcliffe, Rush. ii. 208. Wentworth, in his despatch, recommending a parliament in Ireland, begins thus : "*Albeit, the calling of the parliament in this kingdom is at no time of so much hazard (where nothing is propounded as a law before it first borrowes from his majesty's immediate allowance under your great seal) as it is in England, where there is liberty assumed to offer every thing in their own time and order ; and this subordination, whereunto they have been led by the wisdom of former times, is ever to be held as a sacred prerogative, not to be departed from, in no piece to be broken or exchanged.*"

superior mind ; comprehensive in its designs ; equal, if not equitable, in its pressure ; or unequal and crushing only when it encountered subaltern tyrants, who raised against him the cry of oppression because they were no longer suffered to oppress.

In England, monopolies, carried to a scandalous and intolerable extent, with the other devices of revenue employed by the king's council, proved inadequate to his wants. Recourse was had to the memorable impost of ship-money. The invention of this tax has attached imperishable infamy to the name of Noy : single-handed resistance to it has given lustre to that of Hampden. Noy was already odious for his share in monopolies, especially the soap patent. The demerit of the *invention* of ship-money seems to have been ascribed to him by mistake ; for, considering what he really did, it can scarcely be called invention. Ships, according to a prescribed scale, were levied, it will be remembered, on the outports, the maritime counties, and the port of London, in 1626. All that remained was to demand the money instead of the ships, a change so slight and obvious, that it cannot be called discovery. It is probable, therefore, that Noy, instead of *discovering* this impost by his examination of records in the Tower, prosecuted his researches there for ancient authorities only to justify it. He died on the 9th of August, and the first writ of ship-money drawn by him * was issued on the following 10th of October.†

The character of Noy ; his morose temper, which passed for frankness ; his susceptibility of flattery ; and the condescension of the court to minister to him the grossest flattery for its ends ; his poring researches into obscure records which he passed for learning, — these have been sketched by lord Clarendon, and, after him, adopted and amplified by others with a somewhat unscrupulous air of originality.‡

* Clar. i. 130.

† Rush. ii. 257.

‡ Popular opinion avenged itself on him by squibs stuck upon posts and walls. One set forth that upon examination post mortem, his head was

It has been stated, as some extenuation of the guilt of Noy, that the extension of ship-money to the inland counties, not contemplated by him, was the counsel of sir John Finch. But Finch seems deeply implicated, without exculpating Noy. There is in the first writ which the latter prepared, an express reservation of the king's right to extend the impost over the whole kingdom.* This right is re-asserted in nearly the same terms in the general instructions † to the sheriffs of the inland counties; and both documents were issued at short intervals, about the close of 1634.‡ Further, the elevation of Finch to the chief justiceship of the common pleas preceded the first writ, instead of following it as the reward of a more extensive plan. It is stated by Rushworth, that he was promoted "as an instrument to advance the business," and as to levying in money, that had been practised where the maritime districts were assessed in the second year of the king's reign.

Heath's removal to make way for Finch has been ascribed to his refusal to comply with the court, — as if nothing but virtue could incur its displeasure. That person's previous conduct and character negative the supposition, and render it probable that his removal has been truly ascribed to his guilt of bribery.§ The precise instrumentality of Finch is stated by lord Clarendon: he gave his own opinion, and procured the concurrence of the other judges, in favour of the lawfulness of ship-money.||

found stuffed with a bundle of proclamations, his maw with moth-eaten records, and his paunch with a barrel of soap. (Rush. ii. 213.) His character may be found in Wood's Athen. Oxon. ii. 580., and Weldon's Court and Character of King Charles, &c., mainly agreeing with Clarendon. In his will he left his residuary estate to his son Edward, "to be by him consumed and scattered: *nec de te melius speravi.*"

* Rush. ii. 257.

† Ibid. 259.

‡ The first writ is dated October 2. The instructions are not dated, but they refer to "the assessing and levying of ship-money against the next spring (of 1635), and were therefore issued in the winter, 1634. Selden says in his Table Talk, that Noy "brought in a ship-money first for the maritime towns, but it was like putting in a little auger, that you might afterwards put in a greater."

§ Wood's Athen. Oxon. ii. 584.

|| Clarendon, i. 130. See also Whitelock, 25.; and Finch's speech before the house of commons in 1640 (State Trials, iv.), in which he says he

1635. The pretence set forth in the writs of ship-money, was the insecurity of trade between England and other nations, and the assertion of the English dominion of the narrow seas. The king's flag, in point of fact, and as might be expected from the contempt in which he was held abroad, was no longer a protection; and the Dutch not only fished in the British seas, but employed Grotius to promulgate their right, in a treatise entitled "Mare Liberum." Selden, by the king's order, replied to it, in a treatise under the title of "Mare Clausum;" but questions of public right are decided by the fortune or the fear of war.

The city of London, assessed for seven ships of war, petitioned the king for its particular exemption, on the ground of ancient privilege.* Here it is to be observed, that London, upon being assessed with the outports in the second year of the king's reign, complained only of the amount, but now pleaded an exception in its favour; yet in neither case disputed the right of the crown. The petition was disregarded, and the writ executed by the lord mayor.

1636. The spirit which was wanting in the corporate body resided in an individual. Richard Chambers, already known for his firm character and fearless sense of right, refused to pay the demand as illegal, and was imprisoned by the lord mayor, sir Edmund Bromfield. The lord mayor pleaded a special justification; and the plaintiff was refused a hearing by sir Robert Berkley, one of the judges of the king's bench, who declared that there was a rule of law and a rule of government; that many things might be done by the latter which might not be done by the former, and that he would not suffer the legality of ship-money to be called in question.† Many resisted the demand as illegal throughout the country ‡;

knew nothing of the first writ, did never advise nor counsel any ship writs in his life, and used neither threat nor influence in obtaining the opinions of the judges; which, however, the commons negatived by their resolutions.

* Rush. ii. 265.

† Ibid. 323.

‡ Whitelock, 25.

but the merit of their resistance is absorbed in the resistance and renown of Hampden.

Several months elapsed between the opposition of Hampden and the judgment in this memorable case. The court in the interval employed the prostitute authority of the lord keeper Coventry and the twelve judges to establish the right. A case was submitted to them in the following terms, which, from the importance of the matter, are given without alteration or retrenchment:—"Carolus Rex. When the good and safety of the kingdom in general is concerned, and the whole kingdom in danger, whether may not the king, by writ under the great seal of England, command all the subjects of our kingdom at their charge to provide and furnish such a number of ships, with men, victuals, and munition, and for such time as we shall think fit, for the defence and safeguard of the kingdom from such danger and peril, and by law compel the doing thereof, in case of refusal or refractoriness? And whether in such case is not the king the sole judge both of the danger, and when and how the same is to be prevented and avoided?" The judges resolved this case in the affirmative, word for word, after several conferences, in which they were alternately assailed with threats and promises by the chief justice Finch.* They were unanimous, by Finch's account †, "upon the main point;" Croke and Hutton, who doubted "whether the king was the sole judge of the danger," considering themselves bound by the majority, signed with the rest.

Charles obtained this opinion upon his express declaration, that, being extra-judicial, it was not binding either upon the judges or upon the subject, and that he required it only "for his own private reason." ‡

Lord keeper Coventry, after charging the assem- 1637.

* Whitelock (Mem. 25.) affirms this "as themselves reported to him."

† See his speech before cited; State Trials, v. 4. Croke, however, says (Argument addressed to the King, State Trials, iii. 114, 115.), he dissented in principle, but signed for the reasons stated.

‡ Id. *ibid.*

bled judges in the star-chamber to impress during the circuits upon the people the justice of the demand of ship-money, and the obligation to contribute, read publicly the case submitted to them by the king; and their opinion, upon which some of them, according to Rushworth, gave signs of being taken by surprise.* The king's perfidy was an appropriate retribution, and he but exposed and degraded the judges, without forwarding ship-money.†

Process was issued against Hampden on the 5th of May, and his case came before the twelve judges in the Exchequer chamber, upon demurrer (not in error), in Trinity term, 1637.

It would now be a waste of time to introduce Hampden with any notice of his rank, fortune, and reputation in his native county of Buckingham, before he became conspicuous by the lustre of his virtue and the grandeur of his character. His estate must have been at least six hundred a year; the charge upon the county was four thousand five hundred pounds‡, and he was assessed only in twenty shillings. Why he was rated so low does not appear, and has been a matter of surprise and conjecture.§ It was assuredly not from motives of indulgence. His character was already enough known to suggest the probability of his resisting, and the light charge may have been designed to give his refusal an air of unreasonableness and faction.||

Hampden has been commended for disputing so trifling a demand;—such commendation was an injustice to him. The amount was indifferent to one intent only upon a great principle and the public cause.

The case was argued for the crown by Bankes and Littleton, attorney and solicitor general; for Hampden by St. John, his adviser and friend, and Holborn. This great cause was pending six months. It would

* Vol. ii. 356. Rushworth most probably was present, as nearly all the judiciary proceedings recorded by him were taken down by himself.

† Whit. Mem. 24.

‡ Rush. ii. 335.

§ See Hallam, Const. Hist. ii. 23. note †.

|| "Mark the oppression," says Hobbes (*Behemoth*, part i.), "a parliament man of 500*l.* in land, taxed at 20*s.*!"

be absurd to attempt giving any idea of the argument on either side, fraught with the research of at least the preceding twelve months; and on the side of the crown, with the exhumations of Noy. The common reader will apprehend two great authorities on the side of Hampden—Magna Charta and the petition of rights. Magna Charta was not respected by former princes, whether Tudors or Plantagenets; there were prostitute lawyers always prepared to marshal against it exercises of prerogative and judicial precedents; and Charles constantly declared that he would sooner lay down his life than part with a letter of the prerogative of his predecessors on the throne. It is true that Magna Charta, according to sir Edward Coke, was confirmed thirty times; but each confirmation implies an infraction. Thus far then, some excuse, at least some pretence, might be set up for Charles. But he stood in a different relation to the petition of rights. His direct resistance to it in the first instance; his attempt to insinuate a treacherous saving clause by means of the lords; his ambiguous assent when that failed,—shows that he was fully aware of the restrictions to which he submitted when he gave the solemn sanction of his royal assent to that statute. By his assent, thus given, he renounced all imposts without consent of parliament; he did so by his own original act, not by his obligation to observe the statutes of preceding kings; and he now laid on one of the grossest of those imposts by prerogative, which the petition of rights was designed to extinguish for ever.

How did the crown lawyers and the king's judges bear him out? They declared that an absolute sovereign power was essentially inherent in a king of England, and that even an act of parliament could not divest him. "The law," says one of the judges, "knows no such king-yoking policy. The law (he adds) is an old and trusty servant of the king's"—and so it is. The phrase is invaluable: one of the most plausible and perfidious fallacies employed against the exercise and advancement

of the liberties of the people is, to confound the law with the constitution. Every person ordinarily informed and observant well knows that the law will sometimes cherish what the constitution loathes. The arguments on both sides were closed on the 18th of December ; but judgment was not given until Trinity term (June 12.) in the following year.

Passing over technical variances, it will suffice to state that of the twelve judges, the following dishonoured nine, Finch, Jones, Berkley, Vernon, Crawley, Trevor, Weston, Brampton, and Davenport, pronounced ship-money legal, and that the remaining three, — Hutton, Croke, and Denham, — pronounced against it.* Denham, unable, from illness, to attend, sent his judgment in writing. Croke was honest, but weak, — if indeed those qualities be compatible. He would have given judgment for the crown had not his wife sustained his sinking virtue. She enjoined him, come what might, to obey his conscience, in a tone of piety and firmness at once feminine and heroic.†

Writs of ship-money brought in about two hundred and nineteen thousand pounds a year.‡ This large revenue was not sufficient to enable the king to dispense wholly with parliaments, and govern by prerogative. He accordingly contemplated such an extension of the principle by analogy as would at least double the amount. Ship-money referred only to the naval defence of the kingdom. “ Unless his majesty,” says Wentworth, “ hath the like power declared to raise a land army upon the same exigent of state, the crown seems to me to stand but upon one leg at home, and to be considerable but by halves to foreign princes abroad.” § He even looks upon the principle as estab-

* For a full account of the arguments in this great case, see Rushworth, ii. ; and the State Trials, iii. See also Carte (iv. 246.), who openly espouses the right of the crown. That laborious and honest writer's fourth volume is deeply coloured, unhappily, by his jacobite prejudices. Had it been published under his revision, he would probably have removed or softened down many of the most violent : it was not published until after his death.

† Whit. Mem. 25.

‡ Straff. Papers, i. 462.

§ Id. *ibid.* ii. 61.

lished by the judgment in ship-money. "Yet sure," he says, "this, methinks, convinces [proves] a power for the sovereign to raise payments for the land forces."* But the very judgment in ship-money, thus relied on, defeated the hopes of the court and its own purposes. The nation, roused and enlightened by six months' stirring and instructive agitation of the question, learned to despise the judges, distrust the king, and look to itself for the protection of property and the laws. "The pressure," says Clarendon, "was borne with much more cheerfulness before the judgment for the king."† "Hampden and many others of quality and interest in their counties," says Whitelock, "were unsatisfied with the judgment, and continued, with the utmost of their power, in opposition to it, yet could not at that time give any other stop or hinderance; but it remained *alta mente repostum*."‡

The pretences of ship-money were the maritime defence of the kingdom, its commerce, and the dominion of the British seas. It is necessary to glance back at the king's foreign relations and naval equipments. He was regarded by Spain, the Netherlands, and France, with contempt, distrust, and the sense of injury. Charles, acting, perhaps, in the true spirit of the secret instructions of his father to Buckingham when they made their chivalrous visit to Spain, had not long made peace with Spain and France, when he engaged secretly to assist Spain in reconquering the United Provinces.§ The engagement was not acted upon, and did not become public. It was, however, most probably known to Richelieu, then in close alliance with the Dutch against the house of Austria, which it was one of the purposes of his life to humble. In the very next year

* *Id. ibid.*

† Vol. i. 122. He gives as one of the causes of their "cheerfulness," that "men before pleased themselves with doing something for the king's service as a testimony of their affection, which they *were not bound to do*." This is quite inadmissible. The payment of ship-money was enforced like, if not with more vigour than, other taxes. The word "cheerfulness" also is artfully misemployed.

‡ Mem. 25.

§ Clarendon, *State Papers*, i. and Appendix, ii.

(1632-3) he appears engaged in a secret intrigue with the malcontents of Flanders and Brabant, who contemplated rebelling against the dominion of Spain, and erecting the two provinces into an independent state. The negotiator was the painter, sir Balthazar Gerbier, who had been an English spy at the court of Brussels.* It was conducted with the utmost regard to secrecy. Charles himself corresponded with Gerbier. His relations with the king of Spain were those of peace and amity: under such circumstances one prince could scarcely commit against another an act of more flagrant perfidy than inciting his subjects to rebellion. There is something truly characteristic in his shallow casuistry, whilst he equivocates to his own conscience, and his secret shame, perhaps, of the conscience of another, in his credential letter written to Gerbier with his own hand.† This intrigue failed — if Gerbier deserves credit, which is problematical — through the treachery of lord Cottington, who betrayed it to the court of Madrid.‡

* See Horace Walpole's "Anecdotes of Painting," i. 91, &c.; and Hardwick's State Papers, ii. 54. There is a curious oversight in Mr. Hallam's Constitutional History, ii. 18. He has substituted Peter Paul Rubens for Balthazar Gerbier, as the negotiator of this intrigue.

† "Now as for your direction what to do in this, the first consideration is, that since I am in friendship with the king of Spain, it is against both honour and conscience to give him just cause of quarrel against me. I being not first provoked by him; and a juster he cannot have than debauching of his subjects from their allegiance. But since I see a likelihood (almost a necessity) that his Flanders subjects must fall into some other king's or state's protection, and that I am offered, without the least intimation of mine, to have a share therein. The second consideration is, that it were a great imprudence in me to let slip this occasion, whereby I may both advantage myself and hinder the overflowing greatness of my neighbours; so that my resolution must depend upon the agreement of these two considerations, which without much difficulty is, that it is neither against honour nor conscience to take the protection of these people into my hands, that fly to me without my seeking, they being forced else to seek to some other king or state for it; and it is so far from giving just cause of quarrel to the king of Spain, that he should rather thank me for it, they being otherwise forced to fall into his enemies' or his rebels' hands; therefore, upon great consideration, I have sent you powers to treat with these disguised persons."

‡ Lord Hardwicke, in a prefatory note (ii. 54.) of the Hard. Papers, refers to a letter of Gerbier in the Thurlow State Papers, containing his charge against Cottington. It is true that Cottington died a papist, and in Spain; but he was a proscribed royalist, and the agent of Charles II., (then so called by one of the most violent of all fictions) at the court of Madrid, whilst Gerbier, a spy, a courtier, and a trafficker in *virtue* deserted to the parliament. Mr. Hallam positively affirms the treachery of lord Cotting-

Within two years more Charles appears leagued with the king of Spain against the Dutch. In 1635 a fleet of forty sail, commanded by the earls of Lindsey and Essex, as admiral and vice-admiral, asserted the king's dominion in the narrow seas, and protected British commerce not only against Turkish pirates, who found refuge in the ports of France, but against the French themselves. Next year the earl of Northumberland sailed with a fleet of sixty men-of-war, from the Downs. His only exploit was attacking a fleet of Dutch fishing smacks off the Scottish isles, taking some, sinking others, putting the rest to flight, and bringing the states to such a temper that they paid thirty thousand pounds a year for licence to fish*, and made the queen rich presents upon the birth of her second daughter.† Captain Rainsborough, at the same time, with four ships of war, supported by the emperor of Morocco from the land side, destroyed a nest of outlawed pirates in the port of Sallee, and obtained for Charles a panegyric from the hackneyed muse of Waller.

By a secret engagement the king's fleet was to cooperate with that of the king of Spain for the protection of Spanish commerce, but not until the ban of the Empire upon the prince palatine should be taken off. The condition did not take place, and the engagement continued a dead letter.

Charles laboured with more zeal than effect for the restoration of his sister and the electoral family. Upon the death of Ferdinand II., in February 1637, a favourable occasion seemed to present itself; but Arundel, the king's envoy, was answered so slightingly, that he left Vienna without taking leave of the young emperor.‡ Charles, in his indignation, meditated avenging his nephew's rights and his own dignity by the sword; and Richelieu, well

ton, without giving any authority or explanation. He doubtless had some better grounds than the Hispano-popish death of Cottington and the word of Gerbier.

* Rushworth, ii. 322.

† Whit. Mem. 24.

‡ Carte, iv. 232.

informed of all that passed at Whitehall, proposed to him an offensive alliance.* The French minister designed an attack, in concert with the Dutch, upon some of the principal Flemish ports, sought the co-operation of the English navy, and offered Charles, among other inducements, French aid to keep his disaffected subjects in order.† Wentworth, in an elaborate memorial to the king‡, and a confidential letter to Laud§, earnestly deprecated war; and D'Estrades, the French envoy extraordinary sent over by Richelieu, was dismissed with the reply that the king could not permit the attack, and knew how to chastise his subjects.|| Whilst Wentworth thus deprecated war, the Spanish ambassador, alarmed at the French negotiation, made magnificent offers on the part of his master for the restoration of the palatinate.¶

The French minister resented and avenged the king's answer with the means of a politician and the rancour of a priest. "The king and queen of England," said he, "shall repent their rejection of my offers before the year's end**;" and it will presently appear that he made good his word.

The elector palatine, Charles Louis, and his more famous brother, prince Rupert, had been in England nearly the last two years. They now sailed for Holland, with a present of 10,000*l.* from the king ††, and his permission to make war as best they could for the palatinate. He succeeded in raising an army, but was soon totally defeated by the imperial general Halzfeldt, in Westphalia; left his brother and lord Craven prisoners; and passing in disguise, some time after, through France, was discovered and committed to the castle of Vincennes.

The thread of those transactions abroad is sometimes so winding and slender as to become nearly invisible;

* Carte, iv. 232.

† Lett. et Mem. du compte D'Estrades (en Angleterre), Orleans Revolution d'Angleterre.

‡ Straff. Papers, ii. 60.

§ Id. ibid. 66.

|| Orleans, Rev. D'Angl., Lett. du compte D'Estrades.

¶ Carte, iv. 233.

** D'Estrades and Orleans, ut suprâ.

†† Straff Papers, ii. 85.

and the result scarcely repays the trouble of pursuit. They are, perhaps, chiefly interesting for the lights which they throw upon the personal character of the king. He was obstinate and unyielding; but it was only when parliament, the nation, or individuals, demanded guarantees for public and private rights. Without that steadiness of purpose which proceeds from moral principle in a well constituted mind, — from clear and comprehensive views in a mind less scrupulous, — his designs, where his sovereign pride was not concerned, were formed, abandoned, or pursued, with the most unprincipled facility.

The death of Weston, lord treasurer, in February, 1635, was followed by some changes at the council board. The treasury was administered by commission for twelve months, after which the staff of lord treasurer was placed in the hands of Juxon, bishop of London. This act displayed at once the power and the policy of Laud. He would establish the supremacy of the church, not only by forced conformity, but by committing the great offices of state to churchmen.* Yet the sentiment of friendship, and respect for moral worth, had assuredly their share in the appointment by the archbishop. Juxon was the companion of his studies at Oxford; and through his influence was advanced, within less than three years, from a royal chaplaincy to the see of London and the treasurership. He also raised Windebank, the son of his early friend, to the dignity of a secretary of state; was deserted by him in the council; and records this desertion in his Diary without reproach or unkindness. Laud himself was introduced by the king into that section of the council which was called the committee of foreign affairs; “which rendered him,” says Heylin†, “as considerable abroad as

* Laud, recording the appointment in his Diary (March, 1636), observes, that “No churchman had it since Henry VII.'s time;” and adds, “Now if the church will not hold themselves up under God, I can do no more.” Lord Clarendon ascribes great influence to this appointment, “in inflaming the nobility against the king; but he exaggerates, as he invariably does, every cause of public discontent and resistance, except the great cause,—the king's tyranny.

† Life of Laud, 285.

he was at home ;” in short, he was prime minister. Cottington, chancellor of the exchequer, was made master of the records in the room of sir Robert Naunton, author of the “*Fragmenta Regalia*,” whom the infirmities of extreme old age obliged to retire. But this accession of profits without dignity did not content him, and he never forgave Laud the promotion of Juxon.

Laud would not only exalt his friends, but ruin his enemies ; of these, the most inveterate and dangerous was the arch-intriguer Williams, bishop of Lincoln. Williams had the skill, even whilst in favour at court, to maintain a good understanding with the puritans. His court disgrace, and the hatred of Laud, endeared him to them. He was already, it has been stated, sentenced in the star-chamber to a fine of 10,000*l.*, and imprisonment in the Tower. His papers having been ransacked, there were found among them some private letters from Osbaldistone, a schoolmaster, in which Weston and Laud were mentioned, especially Laud, disrespectfully and by nicknames. Upon this, a second prosecution was instituted in the star-chamber, and Williams fined 8000*l.*, of which 3000*l.* by way of damages to Laud. Osbaldistone was sentenced to deprivation and the pillory, with his ears nailed to it, before his own school. He secreted himself until the Long Parliament, after having manifestly forsworn himself by his oath that he applied the nicknames, not to Weston and Laud, but to judge Richardson and a Dr. Spicer.

The government of the church, however, the regulation of its discipline, and enforcement of conformity to it, chiefly, if not wholly, occupied Laud. Church power was the great object of his ambition and his life, and it was more than sufficient for his faculties. The puritans, unsubdued by the terrors of the star-chamber, (when was religious zeal ever subdued by terror, or by any violence short of extermination?)

continued to harass him with secret menaces* and libellous defamation. Burton, a clergyman, Bastwick, a physician, and Prynne, still a prisoner in the Tower, were prosecuted in the star-chamber for seditious and schismatical libels upon the hierarchy of the church and upon the government, in Trinity term this year. Burton only could obtain counsel to sign his answer; but the court struck out all except six lines at the beginning, and three or four at the end.† He repudiated his answer, thus expurgated to a nullity; the prisoners demanded that their answers should be admitted with their own signatures only; the court insisted upon the signatures of counsel, and they were condemned *ex confesso*. The hardship, however, has been overstated. Rushworth, an unprejudiced witness, or prejudiced in their favour, suggests that "their answers were such as counsel thought it unfit to sign them." It is most probable that answers drawn up by the parties themselves, and parties so inflamed, were such as no counsel could sign at any time with prudence and propriety; and it appears that they took advantage of their answers to set forth and republish the whole or most obnoxious parts of the imputed libels.‡ Laud, whose church government was the great object of attack, made an elaborate defence of his conduct, both as to doctrine and discipline §, and gave no judgment in the case. They were sentenced to a fine each of 5000*l.*, the loss of their ears, the pillory, branding on the cheeks, and close imprisonment for life. The executioner cut off Prynne's ears, or the remnants of them, with more than ordinary or necessary barbarity ||; and

* See his Diary, *passim*.

† Rushworth, ii. 380.

‡ Rushworth, ii. 330.

§ See his speech in the Appendix to Rushworth, ii.; and in the State Trials, iii.

|| Rush. ii. Some few days after the end of the term, in the *Palace-yard*, two pillories were erected, and there the sentence of star-chamber against *Burton*, *Bastwick*, and *Prynne*, was executed. They stood two hours in the pillory, *Burton*, by himself, being degraded in the high commission court three days before. The place was full of people, who cried and howled terribly, especially when *Burton* was cropt. Dr. Bastwick was very merry: his wife, Dr. *Poe's* daughter, got a stool, and kissed him. His ears being cut off, she called for them, and put them in a clean handkerchief, and carried them away with her.— (*Letter of Garrard in Straff. Pap.*)

the three victims were confined to solitary dungeons in the castles of Launceston, Lancaster, and Caernarvon.*

These cruelties did not stop. Lilburne, afterwards more famous, and Wharton, were prosecuted for printing and publishing one of Burton's libels, so called, and condemned, the former to a fine of 500*l.*, the latter to the same fine, whipping, and the pillory. Whilst in the pillory, he scattered pamphlets about him, and harangued the mob. The court of star-chamber, then sitting, and apprized of it, made an order, which was immediately executed, that he should be gagged. If these cruelties did not move the indignation of the people, the English nation must have lost its credit for the love of freedom and the feelings of humanity.

There was at the same time a suspicious indulgence shown to catholics, and the puritans became persuaded that Laud's measures were but the first stage of the establishment of popery. The court of Rome never abandoned the hope of restoring its dominion over England. The college of cardinals was formed, in general, of persons of different nations of the religious interests of which they respectively had charge. No Englishman sat in it since the death of Allen, and the spiritual charge of England was given to a foreigner, cardinal Barberini, nephew of the reigning pope, Urban VIII. The regular and secular clergy of the church of Rome, in England, continued their ancient feud. Gregorio Panzani, selected by the cardinal, an enlightened patron of talents and merit, was sent to England under the pretence of settling the quarrel. He was well received by the king and queen, Cottington and Windbank, and had conferences with them and bishop Montague, on the subject of the reunion of the churches. No approach to a reunion was possible, under the circumstances, even without reference to the electric repulsion between the English nation and the

* There is in the State Trials (iii. 725.) a curious letter of Bastwick to Laud, soliciting from the archbishop "some small parcels of monies to pay the scribes," &c. on his trial. It is copied from the original among the Lambeth MSS.

creed of Rome. Panzani's commission went no farther than observing, and reporting his observations: the king's only object was to interest the pope in the restoration of the palatinate; and Laud kept aloof, either through prudence or disinclination.* The only direct result was the reception of an accredited papal agent to the queen, and her having a representative of her spiritual interests at Rome. The queen's envoy was Hamilton, brother of lord Abercorn; and the papal agents who succeeded Panzani were Con, a Scotchman, late secretary to cardinal Barberini, and Rosetti, an Italian.

The presence of these agents, and the secret views of the king and Laud, obtained for the Roman catholics indulgences which, according to lord Clarendon and others, they abused; but which assuredly will neither be regretted nor censured at the present day. Were Charles actuated (as he was not) by motives of toleration and humanity, those indulgences, however imprudent, would do honour to his memory. But the progress of proselytism among weak women, and still weaker men †, scandalised the consciences, whilst the manifest encouragement, so called, of papists, revived the suspicious fears, of the protestants. It is true that the catholics answered the king's arbitrary demands with such eager servility, as renders it not unfair to conclude, from their passive obedience, that they would as readily become the active instruments of his despotism; but the protestants were actuated by religious intolerance much more than by rational apprehension for their freedom. The catholics moreover were placed in a

* For a full account see "Memoirs of Panzani," admitted to be deserving of credit, though Panzani's direct authorship is doubted; "The Pope's Nuncio," in Somers's Tracts, iv., stated in a prefatory letter to be the Venetian ambassador's report to his government; "Hist. Mem." of the Eng. Cath., by the late Mr. Butler, who refers to Panzani's direct Report, and Mr. Hallam's Const. Hist. of England.

† "Another of my familiar acquaintance is gone over to the popish religion, sir Robert Howard, which I am very sorry for.

"Monday in Easter-week, my lord Andover, Berkshire's eldest son, was married by a popish priest to Mrs. Doll Savage." — *Lett. of Garrard to Wentworth, Straff. Papers*, ii. 73.

situation which necessarily leagued them with the king's despotism. He was their only shield against persecution in the garb of law.

Conformity at the same time was enforced by pains and penalties through the land. It would be out of place here to notice in detail the hardships suffered by persons who would not bow their bodies and their consciences to the prescribed formula in doctrine and ceremonial. This belongs to ecclesiastical history, which may easily be referred to.

The extent of what was called the Laudean persecution may be judged by that of emigration. The number of persons and amount of capital have been already stated. There were now in the river Thames eight vessels charged with emigrants for the new world. But men were not left even to the melancholy resource of self-exile. A general proclamation was issued against transporting his majesty's subjects to the American plantations, and a subsequent order in council enjoined the lord treasurer to stay eight ships bound for America in the river Thames.* His majesty condescended to vindicate his royal justice, by declaring, that there were among the emigrants "many idle and refractory humours, whose only or principal end was, to live without the reach of authority †," and that "the factious disposition of a great part of the people of that plantation (New England) rendered them unworthy of any support or countenance." ‡

The order, if there be any truth in what may be called a common rumour in history, was executed fatally for the king. Among the persons thus prevented from exiling themselves for ever are said to have been Hampden, Haselrig, and Cromwell. It is strange that this should rest only upon the authority of one or two royalist writers §; that it should have escaped the researches of Rushworth, and the knowledge of Whitelock, Hampden's kinsman. Hamp-

* Rush. ii. 409.

‡ See Orders in Council.

† See proclamation.

§ Dugdale, and Dr. George Bates.

den's movements must now have been conspicuous and observed.* The name and virtues of the defendant in the case of ship-money were in the mouths of men. It is strange and derogating, that men imbued, at least one, eminently with the Roman spirit, should thus easily despair of their country. If the fact really was so, it may be viewed, without presumption, as an exercise of the adjusting providence of God in the moral order. Thus resistless was the career of enforced conformity in England. It encountered more formidable elements of opposition in Scotland.

* The order in council is dated May, 1638.

CHAP. V.

1637.

TROUBLES IN SCOTLAND. — THE SOLEMN LEAGUE AND COVENANT. — THE TABLES. — MONTROSE — HENDERSON. — TRAQUAIR. — COURT SPIES OF THE COVENANTERS. — MISSION OF THE MARQUIS OF HAMILTON. — THE OPPOSITION TO HIM. — HIS INTRIGUES. — HIS RETURN TO LONDON. — CONDUCT OF CHARLES AND HIS ADVISERS. — SECOND MISSION OF HAMILTON. — PREPARATIONS FOR WAR. — ZEAL OF THE BISHOPS. — ADVICE OF WENTWORTH. — INTRIGUES OF RICHELIEU WITH THE COVENANTERS. — THEIR MILITARY PREPARATIONS. — THE KING GOES TO YORK. — OATH OF ABHORRENCE. — THE COVENANTERS APPROACH THE BORDER. — DISGRACEFUL INCURSION OF THE EARL OF HOLLAND. — PACIFICATION OF BERWICK. — PARLIAMENT AND GENERAL ASSEMBLY OF SCOTLAND. — ABOLITION OF SCOTCH EPISCOPACY. — THE DUTCH ATTACK A SPANISH FLEET IN DOVER STRAITS. — DEATHS OF LORD COVENTRY AND SIR JOHN ELLIOT. — MEETING OF PARLIAMENT. — LETTER OF THE SCOTCH COVENANTERS TO THE FRENCH KING. — GRIEVANCES. — DISSOLUTION OF PARLIAMENT. — ATTACK OF LAMBETH PALACE. — WAR WITH THE SCOTCH. — ORIGIN OF CABINET COUNCILS. — SCOTCH INVASION. — THE KING GOES TO THE NORTH. — COUNCIL OF PEERS AT YORK. — NEGOTIATIONS. — STRAFFORD. — DESERTION OF MONTROSE TO THE KING.

THE attempt to impose the yoke of the common-prayer book upon the Scotch proved disastrous. With them the difficulty was greater. As a religious community, they were undivided and intolerant. It was the tolerant spirit of paganism that made it so easy a conquest. The counsels of Charles appear to have been as short-sighted as they were tyrannical. It is not easy to reconcile the proceedings in Scotland with the capacity of Wentworth, who appears to have been of counsel with Laud at every step.* But Wentworth, as a statesman, habitually overrated the combined value of tyrannic power and brute force. He contemplated imposing on the Scotch not only the church,

* *Straff. Papers, passim.*

but the laws and government of England, in 'short, reducing Scotland to the condition of Ireland.* Oppressors miscalculate the reactive energies of the oppressed, by an error most salutary to mankind.

The facility with which king James effected the reception of the five articles of Perth† had probably some influence. Charles professes to follow up the work begun by his royal father.‡ But the circumstances were no longer the same. Ambition, interest, family feuds among the Scotch lords, overweening arrogance, spiritual and plebeian, in the presbyterian ministers, distempered fanaticism in the mass of the people, had marshalled against the crown resisting forces unknown in the late reign; and the more formidable, that the former antipathy of the Scotch and English had given way to the sympathies of sect and party.§

A set of canons for the Scotch church, proposed by the Scotch bishops, and revised by Laud and Wren, bishop of Ely||, were issued twelve months before the liturgy which they professed to regulate and enforce; and both the canons and the liturgy were prescribed without the sanction either of the church or parliament of Scotland.¶ The new service book was sent forth early at the commencement of the year, enjoined as "the only form his majesty thought fit to be used," and appointed to be read from the following Easter Sunday. The

* Writing to Northumberland in July, 1638, he says, "My principal design should be for *Leith* the next spring, which, with the help of the fleet, might be easily taken, being a place of no force, yet such as with fortifications is to be made very strong, if my memory fail me not very much since I saw it; which I consider to be of such a consequence, as that once well fortified and held with a strong garrison of 8000 or 10,000 men, relievable still by sea, which must be provided and well foreseen beforehand, I should hope his majesty might instantly give his law to *Edinburgh*, and not long after to the whole kingdom; which, though it should all succeed, yet, at the charge of that kingdom, would I uphold my garrison at *Leith*, till they had received our common-prayer book used in our churches of *England* without any alteration; the bishops settled peaceably in their jurisdiction; nay, perchance till I had conformed that kingdom in all, as well for the temporal as ecclesiastical affairs, wholly to the government and laws of *England*, and *Scotland* governed by the king and council of *England* in a great part as we are here."

† See Vol. IV.

‡ Rush. ii. 386.

§ "No question," says Laud (Diary, July, 1637), "but there is a great concurrence between them (the Scotch) and the puritans, having an aim to destroy me in the king's opinion."

|| Whit. Mem.

¶ Neal, i. 586.

experiment was postponed to the 23d of July; and archbishop Spottiswood, alarmed by the murmured horror of the people, advised further postponement. The impatient zeal of Laud, inspired less perhaps by ambition, or the love of power, than by his sense of a high and paramount duty to his spiritual office, could not brook delay. He procured the king's warrant to the Scotch bishops, commanding them to proceed, on pain of vacating their sees to men more zealous and resolute.* A vast auditory assembled in St. Giles's church, recently become the cathedral of Edinburgh, on the day appointed. The archbishops, several bishops, the lords of session, the magistrates of Edinburgh, were present. The dean of Edinburgh no sooner opened the new volume and his lips, than his voice was overpowered by clapping of hands, uncouth noises, and execrations: among the discordant cries were, "A pape, a pape," "Antichrist," "Stone him," "Baal," "Popery," and "The mass." The bishop mounted the pulpit, and reminded them of the sanctity of the place. The storm raged still more fiercely, and he narrowly escaped a missile flung at his head, whilst his ears were assailed with cries, "Wolf," "Fox," "Pope," "Antichrist." The magistrates cleared the church of the chief disturbers; the doors were locked, and the service recommenced, but was again interrupted by furious cries from without, thundering at the door, and the discharge of missiles through the windows. The bishop on his way to his residence, which was near the church, narrowly escaped being stoned or trampled to death.

At the evening service the tumult was renewed with equal fury, and the bishop's personal danger was still more imminent. Roxburgh the lord privy seal took him into his carriage; the carriage, the horses, and the coachman were pelted on all sides, and both the peer and the prelate made their way, at the sword's point, to Holyrood House. †

* Neal, ii. 610., who however refers to no authority.

† See Rush. ii. 236, &c.; Neal, 609, &c.; Brodie, ii. 452, &c.

From the circumstances there can be little doubt of previous concert. The principal action appears to have been more prudently and gallantly assigned to women. Their execrations were such as proved them divested for the moment of the humanity of the sex. A Scotch writer of the time* has handed down, for the admiration of successive ages, "the renowned Christian valiance of those godly women," regretting only that the bishop of Edinburgh escaped being "sticked†" or "thrappled‡," by their pious hands, which unfortunately "were not as active as their minds were willing." Thus savage are the instincts generated between persecution and fanaticism.

The council endeavoured to restore order by proclamations, and the police of Edinburgh reported to the king that the new liturgy had been interrupted by a mere rabble, and suspended meanwhile the further reading of it.§ The bishops and the lords, Spottiswood and Traquair, mutually reproached each other.|| Laud, in the king's name, rebuked both for their weakness, and commanded them to go on.¶ The Scotch ministers were enjoined by "letters of *turning*," that is, on pain of outlawry, to conform. Four of these, including Henderson, a divine of superior attainments, justified their disobedience by five reasons, turning upon the invasion of the independence of the Scotch church and parliament, and the attempt to make their kirk "symbolize with the kirk of Rome, which was antichristian." The fifth reason excites surprise and pleasure, by a gleam of reason in the delirious fever of fanaticism — "Because the people, having been otherwise taught, are unwilling to receive the new book until they are better convinced."** The remainder of the year passed in a war of proclamations, petitions, and protests, diversified by a tumult at Glasgow, and a

* Sir. J. Balfour, cited in Brodie, ii. 254.

† Stabbed.

‡ Strangled.

§ Laud's Letter to Traquair. Rush. ii. 389.

|| Rush. ii. 390., from Burnet's Memoirs of the Hamiltons.

¶ Rush. ii. 389, 390.

** Neal, i. 611.

repetition, in October, of the scene acted in July at Edinburgh.*

1638. The king removed the session, or term, and the council; first to Linlithgow, then to Stirling; not so much with the purpose of preventing tumult, as of punishing the capital, by thus changing the seat of government. This measure, by a fatality attached to Charles and his counsels, led to the formation of the Four Tables in the month of February, 1638. The Tables were representative committees, respectively composed of lords, gentlemen, ministers, and burgesses. These, again, were in communication with various sub-committees, and were governed from above by a general Table with a supreme executive power. A better scheme for organising insurrection could not easily be devised. †

The earl of Traquair, who had come to London for the purpose of giving an account of his conduct, returned to Scotland in February, proceeding from Edinburgh to Stirling; and on the 19th of that month published, at the market cross of Stirling, the king's proclamation, "condemning their irregular proceedings; imputing them rather to preposterous zeal than to disaffection or disloyalty; remitting past offences to such as should obey his majesty's commands; discharging all future meetings on pain of treason; forbidding them to repair to Stirling, or any other place, where the council and session sat, without notifying their business, and obtaining leave from the council; and ordering strangers of all ranks to quit the place within six hours after the proclamation, under the same penalty."

Lords Hume and Lindsay had watched his movements, which he endeavoured to conceal, and published with the same form a protest "against all acts of council whilst the bishops sat there; declaring that their disobedience to such acts should not subject them to any danger

* See Rushworth, ii. 400, &c. Neal, i. 612, &c. Brodie, ii. 460, &c.

† Carte states (iv. 260.) that it was borrowed from "the league" of France.

of life or lands, or to any other penalty ; that they had hitherto been calm and quiet, in hopes of redress, and would not bear the blame if any inconvenience should happen." The malcontents crowded into Stirling, and in the evening the protesting chiefs were attended by two thousand armed men.* The proclamation was published with a similar protest at Edinburgh. A crisis seemed inevitable between the king's council and the malcontents, who were in effect the mass of the nation. The chief posts of government were occupied by bishops†, who had neither political capacity nor decision of character ; and Traquair not only hated the bishops for their monopoly of state offices, but shared the general disaffection of his countrymen. The measures of the council under these circumstances were weak and vacillating. It was widely different on the side of the malcontents.

The Tables would have been an imperfect engine without a definite bond of union — a rallying point. The famed solemn league and covenant was framed, signed, and disseminated for signature through the kingdom. This engagement was not, like the Tables, adapted from the leaguers of France, or new in Scotland.‡ It, however, differed essentially and dangerously from former covenants, — not only renouncing and denouncing popery in all its branches with the rhetoric of pandemonium and the market-cross§, but engaging farther and for the first time to stand by each other in defence of the common cause, against all per-

* Carte, iv. 260.

† Nine of them were privy counsellors ; divers of them were of the *exchequer* ; *Spottiswood*, archbishop of *St. Andrews*, was made chancellor ; and *Maxwell*, bishop of *Ross*, was fair for the treasury, and engaged in a high rivalry with the earl of *Traquair*, then treasurer, which tended not a little to help forward their ruin : and besides this, they began to pretend highly to the tyths and impropriations, and had gotten one *Learmouth*, a minister, presented abbot of *Lindoris*, and seemed confident to get that state of abbots, with all the revenue and power belonging to it, again restored into the hands of churchmen, designing also that, according to the first institution of the college of justice, the half of them should be churchmen."

‡ Neal, i. 613. Brodie, ii. 470. Carte, iv. 260.

§ Transubstantiation is called "blasphemous," the mass "devilish," and the five repudiated sacraments of the church of Rome "bastards." See the covenant at full length in *Rushworth*, ii. 734.

sons whatever. The king was not excepted from this sweeping obligation.

Such a confederacy was assuredly rebellious, but not therefore unwarrantable. Signatures were daily affixed to it by thousands, through zeal, intimidation, and penalties. Such ministers as refused it were deposed.* Montrose, afterwards so famous as a royalist partisan, accompanied Henderson on a mission to enforce the covenant.† The king, ungracious in his manners, and easily led by favourites, had recently piqued this remarkable person by a slighting reception at court, through the artful jealousy of Hamilton, by whom he was presented.‡ When he afterwards changed sides, he but forgot his resentments and remembered his principles.

Meanwhile the council did next to nothing. They merely sent sir John Hamilton, justice clerk, to London with instructions to represent to the king the popular abhorrence of the liturgy, and entreat him not to enforce it.§ Traquair, at the same time writing for the king's information to Hamilton, declares that the new service book was as odious as the missal|| — that a mere suspension would be regarded as an artifice to delude¶ — and that nothing short of absolutely withdrawing the service book and canons would restore tranquillity.**

The envoy of the council arrived at court early in March, and no determination was taken upon his mission before the middle of April. The energy of Wentworth was wanting in the king's councils; and, if credit be due to some accounts of the time, Charles was encompassed by treachery. A large proportion of the places at court was filled by Scotchmen, who, according to those accounts, watched his words and looks, and ransacked his pockets for private papers, which they copied for the benefit of the covenant

* Hard. State Papers, ii. 107.

† Carte, iv. 259.

|| Hard. State Papers, ii. 99.

** Ibid. 101.

† Ibid. 110.

§ Rush. ii. 742.

¶ Ibid. 101.

and their countrymen.* The resolution ultimately taken was that the marquis of Hamilton should proceed to Scotland as the king's commissioner, with a series of instructions, and a declaration, upon the contingent failure of which he was to treat the Scotch "as a rebellious people."†

It would have required an army to give effect to the mission of Hamilton. The king armed him only with a parchment commission, and the menace "that forces should come from England, and the king himself would come in person at their head, being resolved to hazard his life rather than to suffer authority to be contemned."‡ The high commissioner left London on the 26th of May, and was met at Berwick by Roxburgh, who opened his eyes to the difficulties of his mission.§ Roxburgh told him the Scotch would as soon renounce their baptism as the covenant. The council, the lords of session, and those lords and gentlemen who had not signed the covenant, met him at Dalkeith. But the covenanters, so called as a term of contumely by their adversaries, kept guard upon the castle and city of Edinburgh. Hamilton, after a sort of parley with

* "Whatever expectations they had of assistance from the *faction* in *England*, they depended still more on the services of their friends about court, the king being in a manner besieged by their countrymen, and scarce able either to stir or speak without their knowledge. The marquis of *Hamilton*, master of the horse, had filled the stables with them; the earl of *Morton* was captain of the band of pensioners; the duke of *Lenox* warden of the *Cinque Ports*; the earl of *Ancram* keeper of the privy purse; sir *W. Balfour* lieutenant of the *Tower*; and *Wemyss*, master gunner of the navy, for which he issued the stores and ammunition. In the bedchamber, the *Scots* had an equal number of gentlemen, and seven grooms for one; in the presence chamber they had more than a moiety among the gentlemen ushers and quarter waiters; in the privy chamber, a vast disproportion of the gentlemen belonging to it, besides the carvers and cupbearers, all employed in watching and betraying his majesty, so far as they could discover his meaning by words, signs, and circumstances, and sending intelligence thereof to *Scotland*. Some of the bedchamber had the impudence to ransack his pockets whilst he was in bed, to transcribe his letters, and send the copies to *Scotland*; a thing so well known, that the archbishop of *Canterbury*, in one of his letters, desired the king not to trust it in his pockets."—*Carte*, iv. 258, 259. This is confirmed by Mr. Brodie, but in terms which form a curious illustration of a common saying, that there are two ways of telling the same thing:—"His (Hamilton's) instructions, and the nature of the declaration, had been ascertained by the covenanters before he left London. *Such were their vigilance and means of acquiring information.*"—*Brodie*, ii. 480.

† *Rush*, ii. 746

§ *Ibid.* 749.

‡ *Ibid.*

them, and their consent to withdraw their guards, proceeded, at their solicitation, to Holyrood House, escorted by many thousand persons, among whom were 800 ministers. The multitude dispersed readily at the desire of the commissioner. His natural influence and artful behaviour made an impression upon the people, and to profit by it he put two questions to the covenanters: What was the extent of redress which they sought? and, Whether they would renounce the covenant? In reply, the commissioner was required himself to subscribe the covenant, and forbidden to use the new liturgy in the king's chapel at Holyrood House.*

The commissioner had still the king's declaration in reserve. It set forth in substance that the king would not press the canons and liturgy otherwise than in such a way as should satisfy his loving subjects, and that the high commission court should be restrained within proper limits. A stage was erected for the herald to proclaim the king's declaration in the presence of the high commissioner at the market cross; but the covenanters, well served by their spies about the king's person, were fully aware of its contents†; as fully determined to reject all concessions short of their demands; and counter-preparations were made to protest, by sound of trumpet, under the protection of an armed guard. The commissioner ordered his horses, in order to ride at full speed to some neighbouring town, where the declaration should be published without interruption: but the covenanters were on the alert; their horses were ready to start at the same instant, and he abandoned the contest.‡

Hamilton informed the king that the Scotch must be either reduced by a military and naval force, or pacified by granting them all they demanded. Charles, in reply, authorised Hamilton "to temporise," to flatter the covenanters with what hopes he liked, short of engaging him (the king), until the fleet should have sailed for Scotland, — declaring, at

* Rush. 750, 751.

‡ Brodie, ii. 480.

† See note 2. p. 176.

the same time, that he would rather die than yield to the "impertinent and damnable demands" of "those traitors the covenanters."* Hamilton, in pursuance of the scheme which he had concerted with the king, tried to amuse the Scotch by delays, and deceive them by an ambiguity.‡ But the perfidy of Charles was invariably profitless or disastrous to him. An alarm was sounded from the pulpit against deceitful offers, and the covenanters informed the commissioner that they must have a present redress of grievances, and "would no longer be put off."† He made them in return an unsatisfactory offer of a parliament and an assembly, and advised Charles to accept their explanation, that in "the bond of mutual defence" they meant not to derogate from the king's authority.§ "As concerning the explanation of their damnable covenant," said the king in reply, "whether it be with or without explanation, I have no more power in Scotland than a duke of Venice, which I would rather die than suffer."||

Hamilton, according to one party, employed all his arts to deceive the covenanters¶; according to another, he deceived and betrayed his master.** Ambitious, unscrupulous, and an habitual dissembler, he probably thought only of his own purposes, and treated both parties with impartial duplicity. On the 4th of July, he at last proclaimed the king's declaration at the market cross, a protest was proclaimed no less formally, and on the 9th he left Edinburgh for London.††

* Rush ii. 752. Brodie, ii. 483, &c.

† Brodie, ii. 484.

‡ Ibid. 753. 762.

§ Rush. ii. 761.

|| Ibid. 754.

¶ Rush. *ut supra*. Brodie, ii. 480, &c.

** Carte, iv. 262.

†† "The proclamation," says Carte (*ut supra*), "was no sooner ended, than, to prevent its effects, *Archibald Johnston* read a protestation against it, in the name of all that adhered to the covenant, which seems not to have been displeasing to *Hamilton*; at least he treated *Rothes* and the other deputies of the covenanters with more condescension the next day than he had ever done before, even in the presence of *Roxburgh*, *Southesk*, and other lords of the council. It was still more remarkable, that, desiring these last to stay in the room till his return, he waited on the deputies at their parting, through the rooms into the gallery; and then drawing them to a corner, expressed himself to this effect: that "he had spoke to them before the lords of the council as the king's commissioner, but now

The result of Hamilton's coming to London and making his report in person was, that he returned to Scotland with authority to publish the covenant of 1567, sanctioned by the king and parliament. It was an abhorrence of popery, under the name of a confession of faith. His purpose was to weaken by dividing the covenanters, and his failure was most complete. They were not inactive during his absence. He found them on the 10th of August already advanced in their preparations for holding a general assembly, and self-bound by a resolution that the bishops should have no vote therein; that episcopacy should be abolished; that the Articles of Perth (introduced by king James) should be condemned; that the covenant should be taken by all, on pain of excommunication.† He proceeded a second time to court with written articles of advice to the king, signed by Traquair, Roxburgh, Southesk, and himself. They proposed in substance the abandonment of the canons, the liturgy, the high commission, and the proper limitation of episcopacy.

Charles adopted their counsel, and his commissioner returned to Scotland with powers to that effect, as well as to summon a parliament and general assembly. He was farther charged on his own suggestion with orders to renew the confession of faith signed by James in 1589. The covenanters looked upon it as an artifice to set aside the new bond ‡, and protested against it. § A general assembly to be held at Glasgow on the 19th of November alarmed the bishops. They advised the king, through Hamilton, to get rid of it by an adjournment. Charles would not so palpably retreat from his own pledge; but kept as a pretence in reserve for annulling its proceedings, the "declinature" of the bishops, that is, their protest against its legality on the

(says he) there being none present but yourselves, I speak to you as a kindly *Scotchman*; if you go on with courage and resolution, you will carry what you please; but if you faint and give ground in the least, you are undone: a word is enough to wise men."

* Rush. ii. 765.

† Brodie, ii. 490.

‡ Rush. ii. 772.

ground of their own exclusion, the admission of lay elders, and various usurpations of authority. One of its first acts was to request the commissioner's warrant for putting the bishops upon their trial. He refused, but said the bishops, like others, were open to lawful procedure. They were cited by the presbytery to appear before the general assembly: the citation, setting forth charges of conduct the most scandalous*, was read from all the pulpits, and instructions were given throughout the country to search and report on their private lives.† The spirit of the assembly soon manifested itself; the commission declared it dissolved; a protest was made against its dissolution; the assembly continued its sittings, with Henderson its moderator, and after having condemned the new canons and liturgy, the Articles of Perth, and the high commission, abjured episcopacy, and deposed the bishops, broke up on the 20th of December. Hamilton immediately left Scotland for the court, to prepare for the subjugation of his country by force of arms.

The conduct of Charles and his counsellors in this long struggle was below contempt. The delay could not have arisen from the want of resources, to which it is usually ascribed.‡ He had the same course open to him much earlier, which he pursued at last. It may perhaps be accounted for by the want of political capacity in Laud, whom alone of his English council the king consulted respecting Scotland, and to the manœuvring duplicity of Hamilton. Upon the conduct of the covenanters but one opinion can be entertained. There was, it is true, much of bigot intolerance, that unhappy fruit of the infirmity and malignity of human nature; there was much to make the philosopher of the seventeenth and the common student of the nineteenth century smile, sneer, or grieve, according to his temper; but there was also a display of fearless purpose, and

* Among the charges were, heresy, simony, perjury, fornication, adultery, incest, and "breach of sabbath."

† Rush. ii. 787.

‡ Brodie ii. 480. &c.

even fearless reason, — of unwearied, unwinking energy and sagacity, — of ardour without violence, and enthusiasm without extravagance, — which does imperishable honour to the Scottish character.*

1639. Hamilton, during his second mission, wrote in a disheartened tone to the king. He renounced and stigmatised the Scotch with contemptuous disgust, and recommended his children to the king's protection, as if with a presentiment of personal disaster.† If he all this time dissembled and intrigued, his hypocrisy was consummate. Two facts, however, should be remembered in judging him: he constantly impressed upon Charles that Scotland could be pacified only by full concession, or by an overpowering English force ‡; and he died on the scaffold in the royal cause. There is something ungracious in the treatment of his memory by royalists and jacobites; but when was party spirit generous or just?

The king, upon the return of his commissioner, had already resolved upon war. On the 16th of January he announced his purpose of marching in person against the Scots, called out the militia of the kingdom, commanded the military service of lords and gentlemen about his person, and appointed Selby near York as the place of rendezvous.§ The impost of ship-money proved inadequate, the inventive faculty of projectors was exhausted, and the exchequer contained but two hundred pounds.|| Recourse was had to loans and voluntary contributions. Laud exhorted the clergy to "give freely," and they responded to his call.¶ Pierce, bishop of Bath and Wells, called it *bellum episcopale*, the bishops' war. The queen addressed a similar exhortation to the Roman catholics with still greater success.** It is stated, and received as a fact, that the papal nuncio checked the ardour of the catholics by express instructions from the pope. Is it credible that

* Mem. Note on Hume's Comparison, Charles Phillip.

† Hard. St. Pap. ii. 113.

‡ Ibid.

§ Rush. ii. 790, 791. &c.

|| Straff. Pap. ii. 186.

¶ Rush. ii. 797—819. See, however, 829.

** Ibid. 822.

the pope would thus thwart the queen, by whose means alone he had an agent in England, and play the game of the puritans, whose animosity and triumph threatened popery with nothing short of extermination? The authority relied on is insufficient to sustain a proposition so startling.*

Arrangements were made for raising an army of twenty thousand foot and six thousand horse. The earl of Arundel was appointed commander in chief, with Essex lieutenant-general, and Holland general of the cavalry. These appointments were injudicious and unfortunate. Arundel's chief recommendation was his rank. Essex was refused or deprived of the command of the cavalry, in which, with his courage, experience, and antipathy to the Scotch †, he might have given a decisive blow at the first onset, where Holland, it will be found, compromised his reputation, not only for military capacity, but for personal courage. Holland was the queen's chamberlain, and owed his appointment to the favour of his mistress. ‡

Charles appears to have been better advised by his distant, than by his immediate counsellors. Wentworth counselled him to strengthen Carlisle and Berwick, secure Leith and Dumbarton, cut off the naval resources of the covenanters, avoid actual war, and in the mean time organise a large military force. § Archbishop Spottiswood gave him three counsels, the fruits of his old age, experience, and fidelity: the first, to admit no Scotchmen in his army; the second, to dismiss all Scotchmen from his service, beginning with the archbishop himself; the third, to look upon the covenanters as capable of being reduced to obedience by nothing but superior force. || He acted up to no one of

* The pretended "Instructions" are given doubtfully by Rushworth (ii. 826.), they are in the Clarendon collection (ii. 44.), and Mr. Hallam ascribes them, without a question of their authenticity, to the pope's despair, at this time, of both Laud and the king. But, besides the improbabilities stated in the text, there is the express testimony of sir K. Digby and Walter Montague before the Long Parliament, that the nuncio was the chief promoter of the contribution.

† Carte says (iv. 268.) after Clarendon, that Essex "equally hated and despised them."

‡ Ibid.

§ Carte, iv. 266.

|| Ibid.

these counsels, and left London on the 27th of March for his head-quarters at York.

The covenanters meanwhile proceeded with the resolution and activity of men who staked life as well as liberty upon the success of their cause. The continued sitting of the general assembly after its dissolution pronounced by the king's commissioner, was equivalent to rebellion. Lord Lorn, become, by the death of his father, earl of Argyle, who had hitherto temporised in the council, now threw off the mask, and took the covenant. He told the assembly that if he had hitherto ranged himself on the king's side, it was only because he could thus be more useful to the cause; and they accepted his explanation.* Thus easily do bigots and fanatics reconcile useful perfidy with a tender conscience in religion.

Richelieu, it has been observed, threatened vengeance upon the king for his opposition to the designs of France upon the Flemish seaports. He began by sending one of his chaplains, named Chambers, a Scotchman, upon a secret mission into Scotland, and received from him information of the state and temper of the covenanters.† Scotch soldiers of fortune abounded in the armies of Gustavus Adolphus and the states-general. The covenanters invited them home to the defence of their country and their faith, and many, actuated by patriotism, religion, or their interests, obeyed the call. Among them was Alexander Lesley, who had acquired experience and reputation in the Swedish service. He took London in his way, was refused by Charles the frivolous distinction of kissing his hand, introduced himself to the confidence of Bellièvre the envoy of Richelieu then in London, and obtained through his means from the cardinal one hundred thousand crowns, to be employed for the service of the covenant.‡ A supply of arms was obtained from Holland, also through the intervention of the cardinal. Two vessels laden with

* Carte, v. 4.

† Rush. ii. 841.

‡ Carte's *Life of Ormond*, i. 88. *Abbate Siri, Memor. Recond.* viii.

cannon and small arms arrived at Leith from a Swedish port.* Troops were raised and organised throughout Scotland, by the combined operation of zeal and terror. Lesley was appointed commander-in-chief, with colonel Monroe, Argyle, and Montrose serving under him. The castles of Edinburgh, Dalkeith, and Dumbarton, were taken by the covenanters. Leith was put into a state of defence. Hamilton, despatched by the king, with a fleet and army, to possess himself of Leith and Edinburgh, was unable or unwilling to effect a landing, and loitered in the Firth of Forth†, whilst Montrose defeated the marquis of Huntly, who had risen in the North. The earl of Argyle defended the West against an invasion from Ireland, under the earl of Antrim, who, besides the public cause, pretended a title to a part of Argyle's lands; and Monroe, with his division, marched upon the English border.

The first act of Charles on arriving at York‡, was to require from the chief persons an oath of fidelity

* Carte, Gen. Hist. iv. 266.

† He is said to have had private and culpable interviews with a party of the covenanters, and to have been persuaded to inaction by his mother, a rigid presbyterian, who came for the purpose on board his ship.

‡ He arrived at York on the 30th of March, and was addressed by the recorder of that ancient city in a strain worthy of Polonius: — "Most gracious and dread sovereign. Be graciously pleased to pardon this stay, that we, the least and meanest notes in the firmament of your majesty's government, should thus dare to call you (our bright and glorious sun) to stand. Give us leave, who are the members of this ancient and decayed city, to make known unto your majesty (even our sun itself) where the sun now stands," (in the city of York) "which, like an ill drawn picture, needs a name. A place so unlike itself, that we may boldly say, *Niobe* was never so unlike *Niobe*; never old man so unlike himself, himself being young, as is the city of *York* unlike the city of *York*; heretofore an imperial city, the place of the life and death of the emperor *Constantius Chlorus*, in whose grave a burning lamp was found many centuries of years after; the place honoured with the birth of *Constantine the Great*, and with the most noble library of *Egbert*.

"I might go farther, but this were only to show, or rather speak of, ancient tombs.

"This city was afterwards twice burned, so that the very ashes of these antiquities are not now to be found: and if later scars had not defaced our former glory, what was it truly in respect of what we now enjoy?

"The births, lives, and deaths of emperors are not so much for the honour of *York*, as that king *Charles* was once duke of *York*. Your very royal aspect surmounts our former glory, and scatters our later clouds.

"It's more honour for us that king *Charles* hath given us a new life, nativity, and being, by a most benign and liberal charter, than that *Constantine the Great* had his first being here. And, for the lamp found in the grave of *Chlorus*, your majesty maintains a lamp of justice in this city, which burns more clearly than that of *Chlorus*, and shines into five several counties, at which each subject may light a torch, by the lightness whereof he may see his own right, and find and taste part of that sweet and whole-

and obedience to his person, an abhorrence of all rebellion, more especially on the ground of religion, and a disclaimer of all intelligence with the rebel covenanters. The oath was taken by the Scotch without exception or scruple, and by the English, with the exception only of lords Say and Brooke, who refused it as offensive to their personal honour and to "the common liberty."* After a short confinement they were dismissed to their homes.

The king left York for Berwick on the 29th of April, encamped on the bank of the Tweed, reviewed his army, consisting of 20,000 foot and 3300 horse †, and wanted resolution to pass that border Rubicon.

Lesley, meanwhile, having secured his conquests in the interior of the kingdom, advanced towards England; and on the 30th of May had arrived, with 6000 or 7000 men, within seven miles of the royal camp.

On the 31st the earl of Holland crossed the border, and recrossed it, without having encountered an enemy. This paltry incursion is remarkable only for the private quarrel to which it gave rise between the earls of Holland and Newcastle. The latter commanded the prince of Wales's regiment, composed wholly of young noblemen and gentlemen, who not unreasonably pretended to the post of honour. Holland ordered them to the rear upon which Newcastle took down the regimental colours, but obeyed his orders.

The main body of the covenanters, under Lesley, occupied Dunslow; whilst Monroe occupied the more advanced post of Kelsal. Charles held a council of war, the result of which was that Holland again crossed the border with 4000 horse and foot. ‡ A

some manna here at his own door, which drops from the influence of your majesty's most just and gracious government.

"So that, if the liberty of *Egbert* were now extant among us, that very idea of eloquence which the most skilful orator could extract out of it, would not be able to express what we owe to your majesty, there being not any acknowledgment answerable to our obligations. For, besides all this," &c. This eloquence was not lost upon the king, who declared that he had never found the like true love from the city of London, to which he had given so many marks of his favour. Rush. iii. 921.

* Clar. i. 207, 208.

† Rush. iii. 926, 927.

‡ Rush. iii. 935.

Scotch trumpeter, supported by a body of horse, came forward and challenged the invaders; the main body of the Scotch infantry showed themselves at the same time; and Holland, who had come up only with his cavalry, and left the infantry three miles in his rear, wheeled round, and again returned to the royal camp, without drawing a sword or discharging a carbine. His excuse was an overpowering superiority of numbers*, whilst others variously impeached his faith, his courage, and his judgment.† It is plain that he grossly exaggerated the Scottish force. ‡

This second and more ignominious incursion damped the spirits both of the king and the common soldiers. Next day there was a false alarm of the coming of the enemy, and the royal camp was in confusion. The Scotch general had, in point of fact, come nearer the border with his main body, but was stationary. "Have I not," said Charles, "good intelligence, when the rebels can march with their army, and encamp within sight of mine, and I not have a word of it till the body of their army give the alarm?" §

On the 6th of June the earl of Dumfermline arrived at the royal camp with a petition from the covenanters to the king. Six commissioners were appointed to treat on either side, and the result was the pacification, so called, of Berwick.

Opposite accounts are given of the spirit of the king's army in the mass; but no doubt can be entertained of the spirit of the chief officers; of all, in short, whose minds were enlightened and independent. The covenanters had a secret understanding with some of the leading patriots, both lords and commons; they disarmed English pride by manifestoes widely circulated; the subjugation of Scotland was looked upon as a prelude to the complete establishment of despotism, religious and civil, over the whole island. Charles sus-

* Lett. of Sir H. Vane. Rush. iii. 936.

† Claren. i. 210. Carte, iv. 269.

‡ Lett. of Sir H. Vane, above cited.

§ Rush. iii. 957.

pected the general disaffection before he left London ; he was convinced of the fact soon after he reached the border. " His majesty," says Vane, writing to Hamilton, " now clearly sees, and is fully satisfied in his own judgment, that what passed in the gallery betwixt his majesty, your lordship, and myself, hath been but too much verified on this occasion."* The treaty consisted of a declaration by the king, pledging himself to call a parliament and general assembly : seven meagre articles, providing by vague generalities for the disbanding of both armies ; the surrender of the king's castles ; the removal of the king's navy ; the mutual restitution of the rights and properties of the king's subjects, and of the king's legal and customary authority. The legality of the proceedings of the general assembly at Glasgow, a matter not only important, but essential to an effectual settlement, was left out of view by mutual consent.†

It would seem as if the contracting parties would avoid a close and clear understanding. There were mutual distrusts and mental reservations which they respectively feared to uncover. The covenanters manifested their suspicion of the king's faith at the threshold of the negotiation by returning his answer to their petition because it was signed only by secretary Cooke in his name, and requiring his own signature. Charles, on his side, was no less suspicious of the covenanters. Writing to Wentworth four days after the pacification was signed, he reminds the lord deputy of the Scotch proverb, " Put two locks on your door when you have made friends with a foe," and bids him have a care of the practices of the covenanters in the north of Ireland.

* Rush. iii. 936. Rushworth has this marginal note, " that the nobility and gentry would not incline to invade Scotland."

† " Whoever," says Clarendon, " will take upon him to relate all that passed in that treaty, must be beholding to his own invention ; the most material matters having passed in discourse, and very little committed to writing. Nor did any two who were present agree in the same relation, of what was said and done ; and, which was worse, not in the same interpretation of the meaning of what was comprehended in writing. An agreement was made, if that can be called an agreement, in which nobody meant what others believed he did."

Both parties disarmed* and disbanded, and the king's castles were restored; but the covenanters retained their officers, and the machinery of the Tables, and the king but waited a favourable opportunity to resume his pretensions and his arms. Charles never sincerely renounced, whilst he affected to concede, a despotic purpose or principle of government; and the offence of the covenanters was unpardonable in his eyes: they defied, humiliated, and in his sense dishonoured him.

One outrageous instance of their distrust occurred before the king left Berwick. He commanded fourteen of the principal covenanters to attend him, and at the same time gave Hamilton a secret warrant, by way of indemnity, to "use language for which, if called to account, he might otherwise suffer," for the purpose of discovering their intentions.† The covenanters declared openly that they would not hazard the persons of so many of their leaders in the king's hands, who might shut them up in the Tower, and sent only Lothian, Loudon, and Montrose.‡ Charles practised with Montrose, expressed his indignation at their want of confidence, and probably had no deeper designs against the other persons whom he summoned to attend him.

The king declared to the covenanters at the pacification, that he would open the Scotch parliament at Edinburgh in person. To mark his displeasure at their distrust, he changed his mind, appointed Traquair his commissioner in Scotland, left Berwick on the 28th of July, and arrived in London on the 1st of August. His change of resolution was probably no less owing to the advice of some of his council§, and to a letter from Wentworth, earnestly deprecating his journey to Scot-

* Newcastle now challenged Holland for the offence already mentioned, and attended with his second at the time and place appointed. The second only of Holland came to the rendezvous; the king, having been informed of the intended duel, laid his commands upon him to keep the peace.

† Hard. Papers, ii. 141.

‡ Rush. iii. 948.

§ "I mean," writes the king to Wentworth, "by the grace of God, to be in person both at assembly and parliament, for which I know many wise men blame, and it may be you among the rest." — *Straff. Papers*, ii. 362.

land. "So total a defection," says the lord deputy, "as hath appeared in that people is not to be trusted with your sacred person over early, if at all."* Wentworth in the same letter beseeches the king to keep strong and well provided garisons in Berwick and Carlisle, complete the fortifications of Leith, and "if possible" garrison it with men of approved zeal to the crown, whilst he (Wentworth) continues in Ireland his equipment of ten thousand foot and a thousand horse, as if no pacification had taken place. †

Wentworth understood too well the state of public affairs and the king's character to look upon the pacification as any thing more than a short and shallow truce. In his confidential private letter he thinks it necessary to make an express request that his advice should be kept secret. "I should not write thus much," he says; "but that I full well understood the goodness, wisdom, and secrecy of my master, having otherwise sufficiently contracted the ill-will of many of the Scottish nation." His object may have been to suggest to the king a suspicion of Hamilton.

There are evidences still more conclusive of the king's bad faith in his correspondence with the Scotch bishops. Those bishops, foreseeing the certain abolition of episcopacy by the general assembly and parliament which the king was engaged to convoke, advised him to evade his engagement by a prorogation of both before the time of meeting. Charles acknowledged that their advice "was grounded upon reason enough, were reason only to be thought of in the business," but opposed the actual state of his affairs, which he said "resolved or rather necessitated him to hold the assembly and parliament at the time and place appointed;" but he tells them "it should be his chief care to establish that (the Scotch) church aright," and whilst authorising their absence, instructs them to enter a formal protest against the proceedings of the two bodies, which protest he promises "to take into consideration as a prince sensible of his

* Ibid. 363.

† Ibid.

own interest and honour, joined with the equity of their desires."* It is plain that he designed to use their protest as a ground for nullifying all proceedings, lay and spiritual, of the parliament and general assembly; but it is due to truth to state that the exclusion of the bishops was violent and illegal.

The general assembly was opened by Traquair on the 12th of August. He was instructed by the king, in the spirit of the pacification, to avoid bringing essential and exciting questions, such as the assembly at Glasgow, and the king's prerogative in spiritual matters, to a decisive issue, and authorised to sanction the abolition of episcopacy, with its adjuncts, as contrary to the constitution of the church of Scotland, not as "popish" or "contrary to the law of God."†

The king's commissioner could as easily govern the winds or waves as the spiritual pride and fiery zeal of this assembly. There was in its proceedings at the same time a curious mixture of fanaticism and adroitness. All the acts of the Glasgow assembly were adopted; but the assembly itself not named. It stigmatised the liturgy, episcopacy, the articles of Perth, and the high commission, as superstitious, popish, and tyrannical, in the preamble, but treated them in the clauses of abolition only as contrary to the constitution of the church of Scotland. The covenant was retained, only with a reservation added of the king's lawful authority.

Traquair went with the current, which he was unable, perhaps unwilling, to resist. He gave the royal assent to the acts of the assembly for putting away the canons, the liturgy, the five articles of Perth, for abolishing the high commission court, and episcopacy. One bishop, Graham of Orkney, abjured episcopacy under his hand. His abjuration, in which he calls himself "pretended bishop of Orkney," was "recorded on the journals of the assembly *in æternam memoriam*."

The parliament, or states of Scotland, met on the 31st of August, and ratified the acts of the general assembly,

* Rush. iii. 951.

† Ibid. 950.

with the concurrence of Traquair. He expected that they would proceed no further. They proceeded to restrict the king in the appointment of what were called in Scotland lords of articles, and to reform the Scotch judicature. Traquair, the commissioner, who well knew his master's abhorrence of judicial as well as parliamentary independence, checked their career by a prorogation. The states protested against a prorogation without their consent, the principle in Scotland differing from that recognised in England; but yielded obedience, and sent lords Dumfermline and Loudon, with a remonstrance to the king. Charles refused with disdain to receive them, because they had no warrant from his commissioner, and sent Traquair orders to come up to London for the purpose of giving an account of his conduct. Traquair had not only assented to the proceedings of the assembly, but taken the covenant. He was received with signs of displeasure. To reinstate himself in the royal favour, he urged war as the only means of reducing Scotland to obedience, and placed in the king's hands a clandestine letter addressed to the king of France by several lords of the covenant, soliciting his aid and protection. The letter was addressed "Au Roi," the style employed between the subject and sovereign in France, and was reputed treason by the law of Scotland.*

A prince who has neither respect nor obedience at home is sure to be despised abroad. An example occurs at this period in the case of Charles I. A Spanish fleet, so large as to be designated by the imposing name of an armada, appeared off the Land's End about the middle of September. Its destination in the first moments of alarm and rumour was variously supposed to be the Isle of Wight, or Ireland, or Scotland. The truth soon became known. It was a fleet charged with a large military force and munitions of war for the Low Countries. An inferior force, under the vice-admiral of Holland, kept up a distant fire upon the rear of the

* Rush. iii. 956. 1037. 1115. Parl. Hist. ii.

Spanish fleet as it entered the Channel, and was soon joined by the Dutch admiral Van Tromp, who heard the cannonade from off Dunkirk. The Spanish admiral Ocquendo took shelter in the Downs, off Dover, under the protection, as it was called, of the king of England's chamber. Van Tromp affected for a few days to respect the king's maritime dominion, obtained in the mean time a reinforcement from Holland, and declared that if Charles did not send away the Spanish fleet, he must, in pursuance of his orders, attack them where they lay. Ocquendo said, that he waited only for a supply of powder to come out and give battle. The republican Hollander, with a characteristic mixture of avarice and intrepidity, offered to sell him 500 barrels at the usual price.* The Spaniard declined the offer, and was attacked and defeated by the Dutch, with the almost complete destruction of his fleet. Admiral Pennington, who was ordered with the British fleet to the Downs, looked quietly on while this outrage was committed upon the king's dominion, and the honour of the nation.† It is stated, that the king found himself reduced to the humiliation of avowing to the Spanish admiral his inability to exercise towards him the right of protection of a friendly power within the sanctuary of a British port.‡

The Dutch sent an ambassador with an apology, which Charles was not in a condition to refuse, and proposed at the same time that marriage of the young prince of Orange with the king's eldest daughter, the offspring of which was fated to dethrone his son and dynasty.§

It has been remarked by more than one historian of this 1640. period, that no person of common judgment expected or augured, from the pacification, any thing but a renewed and more serious quarrel. The king's council became

* Letter of the earl of Northumberland to the earl of Leicester, Sidney Papers, ii. 612.

† See Rush. iii. 968. Sidney Papers, ut supra, and 620. Whitelock's Mem. 31. Carte, iv. 274.

‡ Mem. of Sir Philip Warwick, 120.

§ Carte, iv. 274.

ashamed of it, and threw the reproach upon each other. Hamilton, who kept away from the scene until the transaction was concluded, recommended himself to Charles by speaking of it with contempt.* The council agreed to shift the whole odium upon secretary Cooke, who, now in his 80th year, was dismissed to make room for Vane. The covenanters at the same time were on the alert, not only at home but in England. They sent several sets of commissioners to vindicate their loyalty and their rights, and deprecate the king's displeasure. Lord Loudon, one of those commissioners, who came to London in February, had signed the letter to the king of France, avowed his signature, and was confined as a traitor in the Tower.† The covenanters sent no more commissioners, but continued to issue manifestoes and carry on intrigues with redoubled industry. To notice their declarations—some of which were consigned as scandalous or treasonable to the common hangman—and the counter-declarations of the king, would be tedious and unprofitable.‡ Their secret intrigues would be more interesting, but have not been developed either fully or clearly. Haddington appears to have been their agent with the higher members of the patriotic and puritan party.§ — Among the more distinguished of the English malcontents who came to a secret understanding with the covenanters, are said to have been lords Essex, Holland, Bedford, and Say, and Pym, and Hampden.|| The next and more numerous class were those whose fortunes had been confiscated, or whose persons had been confined or mutilated by the courts of exchequer, high commission, and star-chamber.¶ To these are added

* Clarendon, i.

† Mem. note. See Carte, 274. Hallam, Masure? D'Israeli.

‡ See Rush, beginning of vol. iii. § Carte, iv. 274.

|| Whitelock, Mem. 32. Nothing short of counter evidence can shake the respectable and contemporary authority of Whitelock. Yet it is not easy to admit this statement as to Essex, who had immediately before declined all communication with the lords of the covenant, from a punctilious sense of honour, or from national antipathy. See Clarendon, i.

¶ Whitelock, Mem. 32.

the more zealous opponents of episcopacy, and those, now noticed as a party for the first time, who inclined to a republic.*

War was resolved formally in the king's council at the close of the last year. Instructions were sent to the sheriffs and other local authorities for a severe and immediate levy of ship-money. Wentworth came over from Ireland, imparted for a moment to the king's councils the energy of his character, advised a loan, set the example by lending 20,000*l.*, was created earl of Strafford, and knight of the garter, returned to Ireland as lord lieutenant, obtained from the parliament of that kingdom a supply of four subsidies, with the further offer of "their persons and estates," if required, for "his majesty's future supply," and came back to England in the beginning of April.

The writs of ship-money were again resisted in some, ill paid in more, instances—and the example of Wentworth's subscription to the loan was not generally followed.

It was resolved, as a last resource, to call a parliament, with the hope that it would be influenced by the example of the parliament in Ireland. This resolution was taken in a committee, consisting of Laud, Juxon, Hamilton, Strafford, Cottington, Vane, and Windebank†,—but the chief authors were Laud, Hamilton, and Strafford.‡ He put to them the question whether, upon the failure of a supply from parliament, they would assist him in obtaining it "by extraordinary ways."§ They promised, and he gave his assent. This question throws a strong light upon his designs and character. Arbitrary imposts were uppermost in his mind, and it may be suspected, that in the many parliaments which he reluctantly called||, and speedily dissolved, he complied

* Whitelock, Mem. 32.

† Sid. Pap. ii. 615.

‡ Ibid. 621.

§ Lett. of Windebank. Clar. State Papers, ii. 81.

|| Lett. of Windebank. Clar. State Papers, ii. 81.

before stated, for sanctioning, as a minister of state, the king's invasion of law and liberty.* He was succeeded by sir John Finch, noted for his share in the impost of ship-money, and for his general servility to the court.

It may be right to glance back, over a chasm of twelve years, to the imprisoned patriots of the last parliament. They were all, at several periods within about eighteen months from the last dissolution, liberated on bail, with the exception of the eloquent and fearless Elliot, who died in the Tower. His physician pronounced that freedom and a change of air were necessary to the preservation of his life, and he petitioned the king for his liberation. Charles answered, that his petition was not "humble enough." He petitioned a second time with as little success; received an intimation that, upon acknowledging his fault, and asking pardon of the king, he should obtain his freedom, and met death rather than compromise his own rights and the public cause. It has been said in defence of Charles, that the complaint of Elliot was a decline, against which freedom and a change of air would be of no avail. Admitting the fact to be so, it is no excuse for the king. The vindictive spite of Charles was cruel and inexorable, without the dignity of revenge. It followed Elliot even in his lifeless remains. His son petitioned for liberty to remove them to the family burial place in Cornwall. The king's answer, at the foot of the petition, was, "Let sir John Elliot's body be buried in the church of the parish where he died;" and in compliance with this heartless circumlocution, it was buried in the Tower.†

Hollis, Coryton, Hayman, and Stroud, were elected to the present parliament.

* See Clar. i. 80. For particulars respecting him, see Wood's Athen. Oxon. ii. 650. (Blisse's edit.), and Walpole's Cat. of Royal and Noble Auth. ii. art. Coventry (Park's edit.).

† For a full account of the illness and death of sir John Elliot, and for replies to the accusations of Mr. D'Israeli, see lord Nugent's Mem. of Hampden, i. 151.

The session was opened on the 13th of April by Charles in person, with this laconic and ungracious speech : — “ My lords and gentlemen, — There never was a king that had a more great and weighty cause to call his people together than myself. I will not trouble you with the particulars. I have informed my lord keeper, and commanded him to speak and desire your attention.” He so often spoke at considerable length when it suited his purpose, that his brevity cannot be ascribed to his organic difficulty of articulation.

The new lord keeper followed in a strain of ingenious pedantry, then regarded as the perfection of eloquence*, and of high prerogative, which proved the king and his counsellors incorrigible. The commons must have seen that they were to expect as little of reason or justice as ever from the crown. He spoke of the treasonable letter of the Scotch covenanters to the king of France ; alluded, by way of example and stimulant, to the prosperity of Ireland, and the supplies of its parliament ; and referred to “ the distempered state” of Scotland nearly in the language which passed between the Irish parliament and lord Strafford. This circumstance is chiefly worth mention, as it indicates the ascendancy of Strafford in the king’s council. The lord keeper having concluded a long and elaborate speech, Charles produced the Scotch letter “ *au roi*,” intercepted, he said, by accident, and stated that, as they would naturally expect, he had laid lord Loudon, one of those who had set their hands to it, close prisoner in the Tower. † Sergeant Glanville, upon his election as

* The following is one of his flights : — “ His majesty’s kingly resolutions are seated in the ark of his sacred breast, and it were a presumption of too high a nature for any Uzziah, uncalled, to touch it ; yet his majesty is now pleased to lay by the shining beams of majesty, as Phœbus to Phaeton, that the distance between sovereignty and subjection should not bar you of that filial freedom of access to his person and counsels : only let us beware how, with the son of Clymene, we aim not at the guiding of the chariot, as if that were the only testimony of fatherly affection. But let us remember, that though the king sometimes lays by the beams and rays of majesty, he never lays by majesty itself ”

† Rush. iii. 1114, &c. Parl. Hist. ii. 528, &c. The covenanters maintained that they had not sent this letter ; but the fact of its receipt and in duplicate by Richelieu, is placed beyond doubt, by M. de Masure, in the

speaker, eulogised the king's virtues in detail ; referred to his answer to the petition of rights " after much deliberation, in few but most effectual words, *soit droit fait commé est désiré,*" as one which " should renown him for just judgment in that age and to all posterity," and offered up for him the prayer, *serus in cœlum redeas*. The allusion to the petition of rights must have grated upon the king's ear as an indirect reproach, if not as a sarcasm ; and the prayer had a mournfully inauspicious relation to the event.

The speeches of the king and lord keeper were entered on the journals by the king's special order. His design was thus to force the consideration of the Scotch letter upon the commons. They passed it by, and proceeded to grievances, under these three heads : religion ; the privilege of parliament ; and the common liberty. It may be marked as a step in advance of constitutional liberty, that petitions were received from several counties, some of which alleged among their grievances the impost of ship-money. Sir Harbottle Grimstone,

notes to the third volume of his history of the English Revolution. The following extracts from the letters of Richelieu on the subject are curious.

" Les seigneurs d'Ecosse envoyèrent un gentilhomme au Cardinal de Richelieu, M. de Bellièvre alloit partir pour l'Angleterre comme ambassadeur le cardinal lui donna des instructions. On n'attend, dit-il, qu'un prétexte. Il y a apparence d'en recevoir un favorable, en ce que les Anglois, qui traitent continuellement sous main avec les Espagnols, viendront peut-être à faire avec eux quelque traité ouvert, on de mariage, on sur le sujet de la restitution du palatinal. Le gentilhomme écossais s'en retournerd avec espérance de pouvoir avoir contentement, lequel en effet en lui donneroit, si le Roy d'Angleterre se déclaroit pour l'Espagne."

" J'envoye à monsieur de Chavigny une lettre que le Roy d'Angleterre a escrite au Roy, et que l'ambassadeur luy a envoyée à Chantilly, bien qu'elle soit escrite du 1er Debre. 1639. Le stile in est fascheux, et sembleroit par là gu'il chercheroit noise si on ne cognoissoit leur insolente façon d'agir. Je ne sçay ce que c'est que l'affaire dont il parle, vous sçauvez s'il vous plaist de M. de Bellièvre, ce qu'il en sçait, et du plus de MM. d'Haligre et de Loines s'ils en ont rien ven au conseil de la marine.

" Il se faut gouverner en sorte en ceste affaire que ces insolens ne pensent pas qu'on prenne allarme de leur procédé. Je croy que vous pouvez envoyer guérir Auger pour luy dire que le Roy vous a envoyé une lettre, laquelle est de cinq mois de date ; que vous ne sçavez ce que c'est de ceste affaire là, et que s'il en fait cognoistre la justice on en fera raison au particulier qui y a intérêt."

" Je vous escrivis aussi *huir* de la lettre que l'ambassadeur d'Angleterre avoit envoyée au Roy. L'attribue le style à l'élégance de ceste nation, et non à autre dessein, ledit espion nous fuisant cognoistre qu'ils n'ont pass envie de se brouiller avec cuecune des couronnes."

sir Benjamin Rudyard, and Pym spoke in a tone of mingled firmness and moderation which would have alarmed and enlightened a government ordinarily sagacious. Grimstone called particular attention to the violation of the petition of rights. "The case is," said he, "the charter of our liberties, called Magna Charta, was granted unto us by king John; which was but a renovation and restitution of the ancient laws of this kingdom. This charter was afterwards in the succession of several ages confirmed unto us above thirty several times; and in the third year of his majesty's reign that now is, we had more than a confirmation of it; for we had an act declaratory passed; and then, to put it out of all question and dispute for the future, his majesty, by his gracious answer, '*Soit droit fait comme il est désiré,*' invested it with the authority of law. What expositions, contrary to that law of right, have some men given to the undermining the liberty of the subject with new invented subtile distinctions! and assuming to themselves a power,—I know not where they had it out of parliament,—to supersede, annihilate, and make void the laws of the kingdom."*

It has been often remarked, as evidence of the moderate temper of this house of commons, that a member was rebuked by the general voice of the house for calling ship-

* Pym's speech of two hours is given in a full and methodical abstract by Rushworth (iii. 1131, &c.), who became, this session, clerk assistant to the house of commons. Pym exposes the grievances of the nation under various divisions and subdivisions: even this abstract gives a high notion of the gravity of style and lucid order, which, perhaps, most properly characterise deliberative eloquence. The following passage shows how just were his notions of the constitutional responsibility of the executive government:—"But it is to be observed, that in this and the other grievances, though the king be no party (for his highness's prerogative is to do no wrong), yet most of these distempers of state arise, and do invade the subjects, by means of misinforming him; as the celestial bodies of themselves send forth nothing but wholesomeness to man, but, by the ill distemper in inferior bodies, much hurt arises from them." From another passage it is apparent, that, though imbued with the religious intolerance of the age, he was not a bigot. Religious bigotry, indeed, is scarcely compatible with an intellect so capacious and informed. Speaking of the Roman catholics, he says, "I desire not to have any new laws made against them (God be thanked we have enough), nor a strict execution of the old ones, but only so far forth as tends to the safety of his majesty, and such a practice of them, that the religion that can brook no corival may not be the destruction of ours by being too concurrent with it."

money an abomination.* But there appears no sign of its being in a disposition more yielding or tractable than its predecessors. Determination, whether of purpose or of character, only renders men more calm. They appointed a committee to inquire into the violation of their privileges by the speaker of the last house of commons, now lord keeper, in refusing to put a question, on the ground of a prohibition from the king ; they called by the speaker's warrant for the proceedings in the star-chamber and the king's bench respecting the imprisoned members, and those in the exchequer chamber and any other courts respecting ship-money.

The king, impatient for a vote of supply, summoned both houses to attend him at Whitehall, and the lord keeper, by his order, urged the commons to proceed with the matter of supply before every other. The army, he said, already on foot, stood in one hundred thousand pounds a month ; without an immediate supply it must be disbanded, the nation endangered, and the king dishonoured : " the supply once granted, his majesty would give them full scope and liberty to present their just grievances to him ; he will hear them with a gracious ear, and give them such an answer as you and all the kingdom shall have reason to joy therein." Another part of the speech of the lord keeper should be cited, in justice to Charles. " His majesty," says he, " taketh notice of one particular ; his majesty hath commanded me to declare thus much unto you : 1st, His majesty never had it in his royal heart to make an annual revenue of it, (ship-money) nor ever had a thought to make the least benefit or profit of it ; but whatsoever he did or intended in it, was for the common good of you all ; for the honour, glory, and splendour of this nation ; and that every one of us are made sharers and partakers in the benefits, fruits, and successes of it, of which otherwise you would have felt the woes. He hath been so far from making the least benefit of it, that he hath expended great sums of money out of his

* Clarendon, i. 235, &c.

own coffers, to work with, to those necessary ends I have named unto you. The accounts of such monies so received, have been brought to the council table ; the monies delivered to sir William Russell, the treasurer of the navy ; and by them all it may appear whether there hath been a fulness and clearness of truth in the disbursements thereof for the good and safety of the kingdom."

Charles did not squander like his father the money of the people ; but economy is no justification of his despotism. The charge against him is not that his employment of the public purse was prodigal, but that the means by which he reached it were tyrannical.

It was further stated by the lord keeper that the necessary defence of the kingdom obliged the king to issue ship writs that year without consent of parliament, but that " he should expect their concurrence in the levying of it for the future." But the commons and the nation had long lost all trust in the king, and this promise for the future does not appear to have been noticed in the subsequent debates.

The speech of the lord keeper was taken into consideration on the 23d of April. The chief orator was Edmund Waller, who polished the style and refined the taste of English eloquence both in verse and prose. He claimed and urged precedence for grievances. The temper of this parliament and of the people may be judged from the following passage of his speech :— "One need not tell you the propriety of goods is the mother of courage, and the nurse of industry ; it makes us valiant in war, and industrious in peace. The experience I have of former parliaments, and my present observation of the care the country has had to choose persons of worth and courage, make me think this house, like the Spartans, whose forward valour required some softer music to allay and quiet their spirits, too much moved with the sound of martial instruments. It is not the fear of imprisonment or (if need be) death itself, can keep a true-hearted Englishman from the

care to leave this part of his inheritance as entire to posterity as he received it from his ancestors." Of the court divines, he says, " I am sorry these men take no more care to gain our belief of those things which they tell us for our souls' health, while we know them so manifestly in the wrong in that which concerns the liberties and privileges of the subjects of England : but they gain preferment, and then it is no matter, though they neither believe themselves, nor are believed by others : but since they are so ready to let loose the consciences of their kings, we are the more carefully to provide for our protection against this pulpit law, by declaring and reinforcing the municipal laws of this kingdom. It is worthy the observing how new this opinion, or rather this way of rising, is even amongst themselves ; for Mr. Hooker, who was no refractory man (as they term it), thinks, that the first government was arbitrary, until it was found that to live by one man's will becomes all men's miseries. These are his words, concluding that this was the original of inventing laws."

It was resolved that grievances should be considered before a supply, and that a conference should be desired with the lords. The commons' messengers, on presenting themselves at the other house, were refused admission, but a message from the lords next day excused this refusal, on the ground of weighty business, and the presence of the king. Charles had come to the house of lords by surprise.* The commons had immediate notice of this ominous visit, and hence that message, in order to let the lords and the king see they were on the alert. The king's speech to the lords was a severe rebuke of the proceedings of the commons. He said that considering their grievances before his wants, was " putting the cart before the horse ;" made the humiliating complaint that the commons would not take his word ; desired the lords would

* Lords' Journ. Ap. 1640.

not join the commons, but leave them to themselves; concluded by saying, "if the supply came not in time he knew not what mischief might and must follow;" and retired. The house, of whom a large majority sided with the court, came to the two following resolutions: that the following supply ought to have precedence, and that the commons should be invited to a conference, in order to their being disposed thereto.*

The commons meanwhile had drawn up a series of grievances, in the form of instructions to their managers in the proposed conference, which took place on the 25th of April. It appears from the reports of the conference†, that the lord keeper urged the necessity of taking the king's word, which some of the lords said was "the word not only of a king, but of a gentleman." The commons, instead of taking the king's word on the lords' advice, voted that their privileges were violated by the interference of the lords with the matter of supply, and desired a conference on the subject. They insisted not only that the lords should not propound matter of supply, but that they should not take cognizance of any matter debated by the commons, until informed thereof by the commons themselves.

The latter is a most important assertion of power and privilege. It was equivalent to telling the lords that they must not touch upon the proceedings of the commons, even upon the information and authority of the king. The lords disclaimed the intention, denied, with evident signs of fear, the fact of invading the privileges of the commons, and retreated with some loss of dignity from the position in which they had placed themselves out of complaisance to the king. It is unnecessary to do more than call the attention of the reader to the fearless security with which the commons now asserted claims, the bare mention of which Elizabeth would have regarded as treason or insanity. In such an age, when the popular mind and democratic

* Lords' Journ. ut supra.

† On the journals of both houses.

principle had attained such vigour and diffusion, had Charles I. the madness, not only to adopt the arbitrary pretensions of Elizabeth, but to carry them beyond the practice of her politic government.

A second conference took place: the commons persisted in giving precedence to the redress of grievances; and the king, in two messages on the 2nd and 4th of May, demanded from them an immediate supply. Sir Henry Vane, now secretary of state, as well as treasurer of the household, in delivering the latter message, stated, as part of it, that the king was willing to abandon ship-money, upon the condition of a grant of twelve subsidies, to be paid by instalments of five within the first, four within the second, and three within the third of the three ensuing years. This proposition was debated with great earnestness in a committee of the whole house, on two successive days. The commons were divided upon it. The more decided and fearless patriots objected to the king's offer, that the sum was too great, and that the transaction would be a recognition of ship-money as legal. The courtiers, and those political hermaphrodites who are to be found in all popular assemblies at every great political crisis, urged the expediency of closing with the king. The rival speakers were the virtuous Hampden, and Hyde, afterwards earl of Clarendon, now for the first time returned to parliament. They made antagonist motions. Glanville, the speaker, who sat with the other members, the house being in committee, employed all the arts of persuasion, in which he excelled, to induce the house "to comply with the king's desire" (says Clarendon) "for the good of the nation, and to reconcile him to parliaments for ever."* Hyde proposed a resolution to grant a supply without naming the amount, and has recorded, in his history, that it was defeated only by Vane's treachery.† Vane informed the committee that the king would accept nothing short of his demand in amount and manner; and the debate, after having

* Vol. i. 242.

† Ibid. 244, &c.

lasted from eight in the morning to five in the afternoon, was adjourned.

The secretary went directly from the house to the council, which was sitting in the presence of the king, reported, according to Clarendon, that the commons, if permitted to meet again, would pass such a vote as "would blast ship-money* ;"—according to Laud, who was present, that the commons were resolved to grant no supplies to be employed against the covenanters. The council advised an instant dissolution, with only the earls of Holland and Northumberland dissentient. Charles, determined by the representation of Vane or by his own impatience, to proceed to the "extraordinary ways" which he had avowedly in reserve, summoned the commons early next morning to attend him in the house of lords, and dissolved the parliament.

It may appear extraordinary that the commons should separate without violence or a protest. This may be ascribed to either of two causes, or perhaps to both combined. The king, on the morning of the 4th, sent one of his secretaries to bring the speaker to Whitehall; and the commons, without their speaker, when the usher of the black rod came, could neither vote nor protest as a house.† Again, their tranquil submission may be the result of their confidence in the public mind, and in their own resolution to defend the public liberty.

The views, and, if it may be so expressed, the countenance of the short-sighted multitude, brightened at the approach of a parliament, or of a house of commons, that essential constituent element of government in England; an unusual joy lighted up the severe features and sagacious spirit of St. John at the dissolution. Meeting Hyde with grief in his looks, he asked "What troubled him?" "That," said Hyde, "which troubles most good men, the unseasonable dismissal of so wise a parliament." "All is well," re-

* Vol. i. 245.

† Rush. iii. 1154.

joined St. John; "it must be worse before it can be better." *

This dissolution has been regarded as a fatal error. Clarendon ascribes it to the perfidy of sir Harry Vane, and represents the king as so sensible of its imprudence, that he desired the opinion of the council whether he might not recall the parliament by his proclamation.† Is it credible that Vane spoke in the king's name without warrant? Was not his assertion confirmed by Herbert the king's solicitor? Did not the other privy counsellors present acquiesce? The confirmation of the former, and the silence of the latter, are stated by Clarendon himself.‡ The only question remaining is, which of the two, Clarendon or Vane, correctly interpreted the temper and determination of the house of commons. The proceedings of the house clearly bear out the report of Vane; and the opinion of Carte§ is on the same side, against his great guide Clarendon. Laud, who was of the council, has not alluded, either in his "Diary" or in his "Troubles," to the king's regret for dissolving, or his notion of recalling, the parliament; and the supposition is almost directly negatived by the bitter manifesto which he, as usual upon such occasions, immediately put forth against the house of commons. ||

* Clarendon, i. 246, 247.

† The treachery of Vane is averred by Clarendon, Father Orleans, and Madame de Motteville. Clarendon writes constantly with the disingenuousness of an advocate, sometimes with the malice of an enemy, and the jesuit most probably but copied the Memoirs of the waiting-woman of Anne of Austria. Madame de Motteville professes to have taken down her narrative of the queen's misfortunes on several evenings, from her memory, of what had been recited to her by Henrietta herself in the morning at the convent of Chaillot. It savours of the theology of the convent, bears a curious resemblance to the edifying records which the nuns of Chaillot have left (MSS. in the French archives) of the conversations of James II. and Mary D'Este, and has in it moreover some striking improbabilities and inaccuracies. For instance, Henrietta is made to commence the history of her troubles with the amours, divorces, decapitations, and dogmas of Henry VIII., and Vane is represented as himself dissolving the parliament without the king's knowledge. It is most unlikely that Henrietta would have given, by way of preface, a history of the reformation, or ascribed to Vane an act not only absurd but impossible. Vide Whitelock, 34.

‡ Vol. i. 244.

§ Vol. iv. 281.

|| "His Majesty's Declaration, &c." begins with the following preamble: — "The king's most excellent majesty well knoweth, that the calling, adjourning, proroguing, and dissolving of parliaments, are undoubted prerogatives inseparably annexed to his imperial crown, of which he is not

The chastisement of the parliament by dissolution was followed as usual by the commitment of individual members. Sir Henry Bellasis, sir John Hotham, and John, afterwards lord Crew, were committed, the two former to the Fleet, the latter to the Tower. The offence of Crew was his refusal to disclose the names of those who had signed petitions which had come into his hands as chairman of the committee on religious grievances.* His compliance would have been an act, not of duty, as the king and council insisted, but of baseness.

The convocation continued to sit, but by a new commission †, after parliament was dissolved, from the 5th to the 29th of May, and in that time voted seventeen canons ‡, a sworn covenant § in support of episcopacy, by way of antagonist to the Scotch covenant, and a benevolence of four shillings in the pound for six years, to be employed in the war against covenanters.

bound to render any account, but to God alone, no more than of his regal actions." Towards the conclusion, it says, "Those ill affected members of the house of commons, instead of an humble and dutiful way of presenting their grievances to his majesty, have taken upon them to be the guiders and directors in all matters that concern his majesty's government, both temporal and ecclesiastical; and (as if kings were bound to give an account of their regal actions, and of their manner of government, to their subjects assembled in parliament) they have, in a very audacious and insolent way, entered into examination and censuring of the present government, traduced his majesty's administration of justice, rendered, as much as in them lay, odious to the rest of his majesty's subjects, not only the officers and ministers of state, but even his majesty's very government."

* Rush. iii. 1168, 1169.

† Whit. Mem. 34.

‡ Among these canons, to the honour of the convocation, was one permitting the practice or the omission of bowing to the East, according to each person's conscience.

§ Goodman bishop of Gloucester refused the oath, was suspended, then took it, and addressed the following letter to Laud:—

"Most Reverend, &c.

"Bishop *Montague* of *Norwich* did privately encourage me to dissent (though I confess I was little moved with his words, for I never had an opinion of that man), yet in public, to please your grace, he pressed my deprivation, falsely quoting some councils (God forgive him, as I do). At this instant I could have proved how that in his person he did visit and hold correspondency with the pope's agent, and received his letter in behalf of his son, who was then travelling to *Rome*, and, by his letters, he had extraordinary entertainment there. This bishop *Montague* would ascribe the credit which he had gotten was by his writings, which in truth I think are not worth the reading."

Both bishops (Goodman and Montague) were suspected of popery, the former upon strong grounds; and his objection doubtless must have been to swear that popery was superstitious. The parenthesis (God forgive, *as I do*), compared with the rest of his letter, has an air of sneering equivocation which would suggest a curious notion of spiritual charity.

The unpopularity of the dissolution of parliament was aggravated by the continued sitting of the convocation, and the odium of both measures gathered upon Laud.* On the night of the 11th of May, a mob, consisting chiefly of London apprentices, attacked Lambeth Palace, for the avowed purpose of "sacking" it †; but Laud, apprised of their intentions, which were placarded on the Royal Exchange, took measures for his defence, and after a fruitless attack, they vented their hatred of the archbishop only by execration and ribaldry.‡ He found it necessary to turn the palace into a garrison, fortified with ordnance.§ One of the rioters was condemned and executed as a traitor, on the ground that marching by beat of drum constituted the crime of levying war against the king. The proceeding of a mob, by previous concert||, to sack the dwelling, and possibly destroy the life, of the archbishop or any other man at midnight, was assuredly an act of the most guilty and dangerous consequences to society; but it required the stunted pedantry of lawyers with the grovelling spirit of the judges of the time to decide that the quality of treason, under the 25th Edward III., was imparted by the presence and the noise of a single kettledrum. More executions would doubtless have taken place if the rioters had not been rescued from their several prisons by mobs in open day.¶

The large subsidy voted by the convocation, under the name of a benevolence, was inconsiderable, when viewed in relation to the king's wants, and the supply which might be expected from a willing parliament. "All the wheels of prerogative," says Whitelock, "were now set in motion, to provide money for the king's affairs."** It was resolved in council to punish the

* Whit. Mem. 34.

† Ibid.

‡ Whit. Mem. 34. Laud's Diary, May 11. 1640.

§ Laud's Diary, May, 1640.

|| Carte states that the "seditious paper" was posted on the Royal Exchange by the famous Lilburne, but his only authority is the very questionable one of Nalson.

¶ Laud's Diary, May, 1640.

** Whit. Mem. 35.

sheriffs who were supine in raising ship-money.* The old grievance of compositions for knighthood was renewed, and the king's tenants in capite were commanded to furnish according to their tenures men, horses, and arms. The question was raised in council, whether the king might under the circumstances command the service of the whole kingdom in person and estate. Finch, lord keeper, who appears to have made the proposition, said, that Hutton and Croke, who pronounced against the ship-money, declared at the same time that the king might levy it in case of invasion." †

A loan of two hundred thousand pounds was requested of the city of London. The corporation, strongly imbued with the spirit of religious puritanism and political liberty, and irritated moreover by the loss of their chartered plantation in the north of Ireland, refused to lend; and four aldermen, Soames, Atkins, Rainton, and Geere, who refused ‡ to deliver in a list of persons able to lend, were committed by warrant of the privy council.§ But the sum of three hundred thousand pounds was contributed, under the name of a loan, by lords, gentlemen, and others immediately or remotely influenced by the court or the king. A loan was extorted from Spanish merchants, by seizing their bullion deposited in the royal mint. The desperate resource of raising the nominal value, or debasing the quality of the coin taken up by the king, was with difficulty abandoned by him.

These measures were resorted to for the future subsistence of the army. Charles had already levied troops by efforts and sacrifices, calculated to give lustre to his name were they made for those public objects which exercise the virtues, as they are embraced within the sphere of the duties, of a king. He borrowed large

* Rush. iii. 1173.

† Hard. State Papers, ii. 147.

‡ Whitelock says (p. 35.), they offered the king, by way of compensation for the continuance of their charter, to pull down Whitehall, build "a stately palace" in St. James's Park, and "make a stately way by the Thames' side, from Charing Cross to Westminster Hall."

§ Rush. iii. 1182.

sums from his courtiers, restricted his personal and state expenses, sold his private property, mortgaged the revenue of the crown, and enforced so far as he was able economy and order. His conduct was compared to that of queen Elizabeth. But Elizabeth mortgaged or sold the crown lands, the royal forests, and her jewels, to guard the independence and honour of the nation against a foreign enemy—Charles, to impose upon England a mode of government incompatible with freedom; upon Scotland a mode of religious worship abhorrent to the conscience of the people.

The organisation, discipline, and spirit of the troops were still worse than in the preceding year. Disgusted with the service, and commanded by persons many of whom were odious, incapable, or disaffected*, they pillaged private houses, and committed devastation upon the interior of churches; broke into mutiny, and murdered some of their officers upon the suspicion, real or pretended, of their being papists.† In the midst of these outrages, the commanders had no warrant to punish by martial law.‡ The king's choice of commanders has been regarded as unfortunate.§ Arundel, Essex, and Holland, enemies of Strafford, were laid aside, and the commands held by them, in the preceding year, given respectively to Northumberland, Strafford, and Conway. It was at first intended that the lord lieutenant should return to Ireland, and bring over the Irish army of ten thousand men, and act against the Scots in concert with Northumberland.|| Illness disabled the latter¶ from taking the field, and the former was placed at the head of the English army as his second in command.**

The error of passing over Essex, who according to Clarendon might have been easily gained, notwithstanding

* Carte, iv. 285.

† Rush. iii. 1192—1195. Heylin, 454.

‡ Letter of Conway to Laud, Rush. iii. 1199.

§ Clar. i. 248, 249.

|| Ormond MSS. A. 140.; apud Carte, iv. 286.

¶ Carte says (Life of Ormond, 103.), that "a tertian ague occasioned or served him as an excuse" for not taking the command.

** Ibid.

ing some recent court disgusts, and the change of arrangements respecting Strafford, have been regarded as fatal at the very threshold to Charles. But their importance seems exaggerated; speculation is tempted, and the judgment misled, by the contrasts between slight or isolated incidents and great events, viewed in the relation of cause and effect: — a certain congruity between results and their causes in the moral as in the physical order, may be assumed or inferred, as more warranted by the philosophy of history.

The king's army is stated in some accounts as seventeen thousand, in others as twenty thousand strong, with sixty pieces of artillery; besides the northern train-bands, and the troops expected to be sent over by the earl of Ormond from Ireland. Cabinet councils were now held for the first time, not only in form, but in name; but the name, and that of Junto, were given to this select committee of the privy council, as a reproach, by the excluded courtiers.* He held a council on the 16th of August, upon the sudden news that the Scots were about to enter England, and proposed to set out for the head-quarters of the army in the North next day. Among the reasons adduced for his taking the field in person, was the more obedient conduct of the army and the train-bands under the immediate orders of the king; and the alleged legality of enforcing coat and conduct money when the king went in person. Finch lord keeper confidently declared it to be the law, whilst Littleton said he should not give a positive opinion.† It was thus the ill-fated Charles was habitually placed between men too timid and temporising to advise him frankly according to their judgment on the one side, and the decisive counsels of the abettors of his despotism on the other. The king's proposition to place himself at the head of the army was approved, and various measures taken in contemplation of his departure for the North. Among these was the release

* Clar. i. 264.

† Minutes of the Council, Hard. State Papers, ii. 147.]

of lord Loudon, through the influence of the marquis of Hamilton.*

Lord Clarendon describes Hamilton as intriguing at this moment with the profoundest artifice. He represented to the king the odium which he had incurred, especially in Scotland, by his zeal against the covenanters, and requested leave to withdraw to the Continent from the approaching storm. Charles assured him of protection, and would not dispense with his service. He suggested that he could effectually secure himself, and at the same time promote the king's interests, by affecting to enter into the views of the covenanters. Charles, to whom intrigue and perfidy were congenial, received the suggestion with delight†, and Hamilton was placed in a position which enabled him to manage the covenanters without losing the confidence of the king. His first exercise of this new discretion was to visit Loudon secretly in the Tower‡, obtain his release, his "gracious" reception at court, and his return to Scotland, where he promised, or Hamilton promised for him, his entire devotion to the king's interests.§

There are here two things which should be remembered: first, the enmity of lord Clarendon and other royalists to the marquis of Hamilton; next, that Hamilton had already received in the preceding year the king's written warrant to play this double part with the covenanters. The chief authority in council was confided to lord Cottington and Windebank; and Charles, having issued a proclamation declaring the Scotch covenanters rebels and traitors, left London for the North on the 20th of August.

The covenanters, it will be remembered, disbanded their troops upon the pacification of Berwick, but retained the superior officers, and continued in action the machinery of government which they had con-

* The story of the king's designing to have Loudon murdered in the Tower as the sultan would despatch a bashaw with the bowstring, is worthy of its author — Burnet.

† Clar. i. 272.

‡ Bishop Guthrie's Mem. 63.

§ Clarendon, i. 253.

structed, under the name of Tables; but their chief strength lay in the zeal and power of the ministers of the presbytery. These not only roused enthusiasm, but denounced vengeance. The Scotch pulpit was, according to Clarendon, the most tyrannical power over all sorts of men: "the preacher reprehended the husband, governed the wife, chastised the children, and insulted over the servants in the houses of the greatest men."* Clarendon was prejudiced, but in this case the facts and universal experience bear him out. The catholic confessor and the presbyterian chaplain are equally and naturally disposed to domineer, and a democratic clergyman from the common people will far exceed in spiritual pride and arrogance the most lordly bishop.

There was little delay or difficulty in recalling the disbanded or rallying new troops round the standard of the covenant. The Scotch levies began on the 10th of March†; the Scotch parliament, though prorogued by the king to a later period, met on the 2d of June; and Lesley, commander-in-chief of the army of the covenant, having obtained possession of the castle of Edinburgh by famine and capitulation from the governor Ruthven, joined the main army, which had previously assembled at the general rendezvous from the several counties near the English border.

Charles is stated to have been lulled into security respecting the means and intentions of the Scots. Lord Conway, who had gone to the north with the cavalry, assured him that the covenanters, however much inclined, could not be in a condition to enter England that year.‡ On the 15th of August, however, his opinion changed. He wrote to Windebank that his spies reported to him the immediate passing of the Tweed by the covenanters. The Scotch army was composed of 20,000 foot and 2500 horse, commanded in chief by general Lesley, with lord Callender for his lieutenant, Bailey major-general, and Alexander Hamilton commander of the artillery.§ They halted three weeks on

* Clarendon, i. 292.

† Clarendon, i. 254.

‡ Guthrie's Mem. 58, &c.

§ Rush, iii. 1222.

the border. This delay seems to have been ascribed without sufficient grounds to hesitation on the part of the covenanters. The leaders were too resolute and capable for such uncertainty of purpose, and the time was most usefully passed in daily exercises, religious and military. While the officers improved discipline, the preachers inflamed zeal and fanaticism.

On the 20th of August the Scotch army crossed the Tweed, and encamped unmolested that night in England. This decisive movement has been ascribed to a letter of invitation, bearing the signature of several English noblemen, forged by lord Saville. The reality of this letter has been disputed, and is still *sub judice* as an historical question. The improbabilities are so strong, that to prove the affirmative would require evidence the most decisive* ; — that lord Saville should run a hazard so desperate, and that the Scots, with their means of information, their secret communications with the discontented or patriot party†, and their perfidious countrymen who served them as spies about the person of the king, should be thus duped into a step so perilous, for which they were otherwise unprepared. The Scots professed to enter England as friends, and issued a manifesto containing their justification and views.‡ Their advanced guard was checked by a detachment from Berwick, but only for a moment : a reinforcement, and the Berwick detachment retreated with some loss. On the 27th they encamped at Newbourne upon the Tyne, within four miles of Newcastle.

Lord Conway commanded the advanced posts of the king's army. Whilst holding a council of war, he received from Strafford, commanding in the absence of Northumberland, peremptory orders to dispute with the Scots the passage of the Tyne and occupation of Newcastle. The Scots and English meanwhile were encamped ; the latter in a defensive position, with

* See Carte, iv. 293, &c. Hallam, ii. 125. Brodie, ii. 534.

† Carte, but only with the authority of Nalson, states, that " Hampden and others made frequent journeys into Scotland to concert measures, &c."

‡ Rush. iii. 1223.

artillery and breastworks; on each side of the Tyne. During the morning of the 28th they watered their horses on the respective sides of the river, without any act or expression of hostility. Lesley requested permission to pass the Tyne, on his way, he said, with a petition to the king against "incendiaries." This was the pretence put forward on all occasions for the entry of the Scots into England. Permission was of course refused, and he ordered his artillery to play from an eminence upon the works of the English, and upon the cavalry, which was exposed in a plain. A breach was made in the English works where Colonel Lunsford commanded: his men murmured, and all but mutinied, but yielded to his persuasions, and maintained their posts, until some cannon shot fell with considerable damage among them. They fled in disorder; and it being now low water, a detachment of Scottish horse and foot forded the river. The English horse and foot gave way; and the main army of the Scots, pressing upon the rear, killed or took prisoners about 100 soldiers, and took several of the officers prisoners.

Conway, all this time deliberating in a council of war upon Strafford's orders to dispute the passage of the Scots within a mile of the scene of action, joined in the general retreat to Newcastle, retreated next to Durham, thence to Northallerton, where he was himself the messenger of his defeat to the king. Charles had advanced to Northallerton, and Strafford to Darlington, with the intention of reaching the advanced posts before an engagement. They now fell back with the royal army upon York, and the Scots entered Newcastle and Durham without resistance. Conway's reputation was compromised.* It seems impossible to acquit him of incapacity, treachery, or cowardice. The defence made for him is, that the troops were disorderly and dis-

* Mr. Brodie states, upon his own authority only, that Conway engaged the Scots against his better judgment, in obedience to the orders of Strafford. This is inconsistent with the circumstances, and directly negatived by the minute account of Rushworth, who was on the spot. But this is only one of the numberless examples of rash assertion and disingenuousness which disfigure his otherwise valuable history.

affected. It is insufficient ; his position was ill chosen ; his absence from the scene of action, and his abandonment of Newcastle, were unwarrantable.*

The Scots advanced slowly, but their moderation and discipline were more advantageous to them than rapid conquest. The English inhabitants, actuated by the king's orders and their own fears, fled in large numbers with their herds, flocks, and other property into Yorkshire† ; and Newcastle and Durham presented the appearance of famine and depopulation‡ ; but the Scots paid regularly for provisions, and they were soon as regularly supplied. The loss of the king's army in killed, wounded, prisoners, and deserters, on its return to York, was 426.§

The king's army was dishonoured rather than numerically weakened by the affair of Newbourne. His pride was irritated ; and at the same time the muster of the army at York sustained his hopes. A petition, signed by twelve peers, prayed him to summon a parliament. This example was followed by several gentlemen of Yorkshire. A petition, praying the king to summon a parliament, received the signatures of the lord mayor, four aldermen, and about 10,000 citizens ||, and was presented to him, in spite of the efforts of the earl marshal and the privy council to prevent it. ¶

Charles, to evade a prayer which grated upon his ears, issued, on the 7th of December, a summons to the lords spiritual and temporal to meet him as the great council of the nation, on the 14th, at York. The mockery of reviving, after the lapse of centuries, and imposing upon a nation animated with the spirit of liberty and reform, an obsolete and forgotten practice of that nation in its stage of early barbarism, illustrates the character and government of Charles. He habitually wore upon all his actions a plausible and perfidious mask, which afforded, and affords to

* Clar. Rush. (who was present). Whitelock.

† Rush. iii. 1243.

‡ Carte, iv. 289

§ Muster taken at York. Rush. iii. 1243.

|| Hard. State Papers, ii. 184.

¶ Ibid.

this day, a pretence of vindication to disingenuous servility.

There is another aspect under which this measure may be viewed. It exhibits the king attempting to force a retrograde movement upon a people marching with a giant force in advance. The triumph of the latter was inevitable. There is, indeed, no instance of a truly national struggle against domestic tyranny in which freedom has not triumphed. The historic induction affords tyrants a lesson of wisdom — or of despair.

The petitions to the king for a parliament also prayed a pacification with the Scots. Charles received both with aversion, which yet he was obliged to overcome. On the 4th of September the Scots, through lord Lanerick, brother of the marquis of Hamilton, and secretary of state for Scotland, presented a petition to the king, setting forth their grievances, among which they reckoned the refusal of a passage across the Tyne; and prayed “a full satisfaction of their just demands.”* Charles, who did not dare to rebuke, and was reduced to the humiliation of using artifice to gain time, desired, through Lanerick, that they should state their demands specifically. On the next day but one they returned the following: —

“ 1. That his majesty would be graciously pleased to command that the last acts of parliament may be published in his highness’s name, as our sovereign lord, with the estates of parliament, convened by his majesty’s authority.

“ 2. That the castles of Edinburgh and other strengths of the kingdom of Scotland may, according to the first foundation, be furnished and used for our defence and security.

“ 3. That our countrymen, in his majesty’s dominions of England and Ireland, may be freed from censure for subscribing the covenant, and be no more

* Rush. iii. 1255.

pressed with oaths and subscriptions unwarrantable by your laws, and contrary to their national oath and covenant approved by his majesty.

“ 4. That the common incendiaries, which have been the authors of this combustion, may receive their just censure.

“ 5. That all our ships and goods, with all the damage thereof, may be restored.

“ 6. That the wrongs, losses, and charges, which all this time we have sustained, may be repaired.”

It is strange, that the necessity in which the king found himself of listening to demands so exorbitant, however veiled in obsequious language, did not open his eyes to his utter weakness. He felt, as might be expected, from his pride both of royal caste and personal character, the humiliation to which he was reduced, and was determined to trust once more to his army and the fortune of war. Strafford's commission of captain-general in Ireland was transferred to Ormond, with orders to bring over the Irish army, now amounting to 20,000 men. But Charles was soon persuaded to abandon this resolution, and resume the alternative of negotiation.* The counties of Durham and Northumberland, abandoned wholly to the Scots, were mulcted by them, the former in 350*l.*, the latter in 300*l.*, and Newcastle in 200*l.* a day; whilst popery and protestant episcopacy, alike odious to the kirk, were laid under contribution equally — and at discretion.†

The inhabitants of both counties represented their distresses to the king ‡: the Scots became impatient of their uncertain and hazardous position; and Charles announced that he should submit the Scots' demands to the great council of peers summoned to meet on the 24th of the month. He submitted at the same time, with still greater reluctance, to the necessity of calling a parliament; and, lest the credit of this concession should be given to the peers, immediately issued writs

* Carte, iv. 292. Life of Ormond, .
 † Hard. State Papers, ii. 180.

† Rush. iii. 1271.

for assembling parliament on the following 3d of November.*

The great council of peers met, pursuant to the king's summons, in the deanery at York, on the 24th of September. Charles, in an opening speech, proposed two questions: how to deal with the petition of the rebel Scots, and how to subsist his army until the meeting of parliament. Both questions were discussed daily at great length, morning and evening, from the 24th to the 28th. The king took an active share in the deliberations of the council. His observations are brief, clear, and pertinent, simplifying the subject-matter of debate, or reducing the question to its true bearing. † The tenacity with which he cherished his love of brute force and arbitrary power is no less visible. He could not renounce his hopes of chastising the Scots, even in extremity. "The Scots," said he, "are now in rebellion: when they are reduced, we will then think of grace." ‡ The earl of Bristol said, "If his majesty were in case, it were best to bring them on their knees; but they were in possession of Newcastle, and two provinces." §

Sixteen lords of the great council were commissioned accordingly to treat with the Scots ||, who appointed commissioners on their side. ¶ The interests of the covenanters were managed in England, as in Scotland, by the committees called Tables; but the governing authority was ostensibly vested in them as "commissioners of the late parliament of Scotland."

* Charles is said to have committed what may be called the pious fraud of giving the queen the credit of this popular measure; but, in his address to the great council (Rush. iii. 1275.), he says, "he had of himself resolved to call a parliament."

† See Minutes of the Great Council, Hard. State Papers, ii. 208, &c.

‡ Ibid. 222.

§ Ibid. 225.

|| The English commissioners were the earls of Bedford, Hertford, Essex, Salisbury, Warwick, Bristol, Holland, Berkshire; viscount Mandeville (afterwards earl of Manchester); lords Wharton, Paget, Brook, Paulet, Howard, Saville, Dunsmore.

¶ The commissioners on behalf of the covenant were lords Dumfermline and Loudon; P. Hepburne, W. Douglas, J. Smith, W. Wedderburne, A. Henderson, W. Johnstone.

The conferences were opened at Northallerton, but soon removed to Ripon. A safe conduct, with the king's sign manual, for the Scotch commissioners, did not satisfy them. They required that it should be signed by certain lords of the great council. The discussion of this point occupied much of the time of the council; and, mortifying as such a demand of security must have been to the king, it was at last conceded.* Pending the conferences hostilities were suspended, and, after some negotiation, Charles was forced, among his other humiliations, to consent to the payment of 850*l.* a day † for the subsistence of the Scots, to be levied on the northern counties beyond the Tees. ‡

The second question submitted to the council of peers by the king—apparently the more difficult—that of obtaining money to maintain his army until the parliament should grant supplies, was easily disposed of. A secured establishment of the public liberty was now expected from the approaching parliament, and the presence of the Scots; and the city of London, at the solicitation, and upon the security, of the council of peers, consented to a loan of 200,000*l.*

An attempt was made by the king to transfer the conferences from Ripon to York. The Scots commissioners objected so decisively to place themselves in the king's power, that the change of place was abandoned. They insisted particularly on the danger which they should incur “in the hands of the king's army, commanded by the lord lieutenant of Ireland,” who they say

* See Minutes, &c. ut supra.

† Nalson asserts, that the king's commissioners connived at the exaggeration of their muster by the Scots, in order to obtain their first demand of 50,000*l.* a month. This would not be credible in any, even the best authority, and Nalson is among the worst. Those lords had among them men of the highest public and private honour, and the money was to be levied on the people beyond the Tees, not paid out of the royal treasury.

‡ Here, again, the Scots demanded security for the payment, and the question gave rise to a curious display of personal strife and hatred between the lords in council. Bristol proposed that Strafford should satisfy them; Strafford, in his turn, excused himself, as declared their enemy by the Scots, and proposed as the most fit, his enemies, Saville and Wharton, “who were acquainted with all the treaty.” (Hard. State Papers, ii. 279.) The Scots, however, who might lay forced contributions if the engagement failed, were easily satisfied.

“honoured them in his common talk with no better titles than those of rebels and traitors, and whose commission was to subdue and destroy them.”*

There can be no doubt of the mutual and mortal hatred between Strafford and the Scots; but the confident assertion of so many historians, that he was opposed to all negotiation, and advised Charles to trust only to the force of arms, is conclusively negated by the minutes of the council of peers.† It is true that he offered in the council at York to bring over from Ireland at two days' notice 8000 foot, 2000 horse, and sixty pieces of artillery; but it is also obvious from the context of the minutes, which are scanty and obscure‡, that this was intended only as a reply to some imputation upon his government as lord lieutenant.§

Another peer, however, appears to have given the king this resolute counsel. Edward, commonly called (says Rushworth) the black lord Herbert, indignant at the exorbitant demands of the Scots, advised Charles to fortify York, and renounce “treaties,” which he said were “like thinking things, and had no real being in themselves, but only in the imaginations of parties.”|| But the king's commissioners decidedly advised a settlement, and cited the declaration of Strafford himself,

* Rush. iii. 1293.

† See Minutes, Hard. State Papers, ut supra. There is, it is true, in the Strafford Papers (ii. 143.), a letter from Strafford to Conway, in which he writes, “Your lordship will admit me to deal plainly with you. I find all men in this place extreme ill satisfied with the guiding of our horse, and publish it infinitely to your disadvantage, that, having with you a thousand horse and five hundred foot, you should suffer an enemy to march so long a way without one skirmish, nay, without once looking upon him; and it imports you most extremely, by some noble action, to put yourself under the weight of ill tongues.

“Your last letters thence certify us, that the enemy is intending to pass the *Tine* at *Hexham*; if so, I shall advise that you, with all the horse, and at least *eight thousand foot*, and all the cannon you have, march opposite unto them on this side the river, and be sure, whatever follow, to fight with them upon their passage. Indeed, you look ill about you if you secure not the river. If there be a bridge at *Hexham*, it would be broken down. Dear my lord, take the advice of the best men, and do something worthy yourself.” But this letter, dated August 27. six in the afternoon, could not have reached Conway in time to make the writer responsible adviser of the affair of Newbourne, and was probably the very dispatch mentioned by Rush (iii.) as having reached Conway when that disgraceful affair had already commenced.

‡ See Hard. State Papers, ii.

|| Rush. iii. 1293, 1294.

§ Ibid. 284.

that Newcastle could not be recovered from the Scots, or the counties of Cumberland and Westmoreland defended against them.*

The conference proceeded, but the preliminary treaty for the subsistence of the Scots occupied the commissioners until the 16th of October, and parliament was summoned for the 3d of November. Under these circumstances the king's commissioners advised him to transfer the negotiations of the treaty from Ripon to London. † The impossibility of coming to a settlement before the time of their setting out for London to attend in parliament, was an unanswerable reason, and the king complied. ‡ This removal has been regarded as a perfidious suggestion of the commissioners, and an imprudence on the part of Charles; but he had no alternative, except the perilous one of transferring the parliament from London to York.

Among the more curious incidents whilst the king continued at York, may be mentioned the desertion of Montrose from the covenant. He made a confession of his errors and offer of his services in a letter to the king. This letter, like so many others, was stolen out of the king's pocket, and a copy of it sent to the covenanters. No plea of religion or patriotism can be admitted even in extenuation of this infamous and systematic breach of a most sacred duty, — that of a domestic servant to his master. It is charged expressly in the present instance upon the marquis of Hamilton.§

* Rush. ii. 1309.

† Ibid. 1305.

‡ Ibid. 1304.

§ Whit. Mem. 37.

CHAP. VI.

1640.

CHARACTER OF THE LONG PARLIAMENT. — OPENED BY THE KING. — HIS SPEECH. — TEMPER OF THE COMMONS. — THE PATRIOT LEADERS. — ATTEMPT TO FORM A POPULAR MINISTRY. — ITS FAILURE. — VIEWS OF THE PATRIOTS. — REDRESS OF GRIEVANCES. — CHARACTER OF THE PEERAGE. — ALARM OF THE KING. — IMPEACHMENT OF STRAFFORD. — LONDON PETITION AGAINST EPISCOPACY “ ROOT AND BRANCH. ” — THE JUDGES QUESTIONED. — IMPEACHMENT AND ESCAPE OF WINDEBANK AND FINCH. — TRIENNIAL BILL. — TRIAL OF STRAFFORD. — HIS ATTAINDER. — DISTRESS OF THE KING. — ARMY PLOT. — LETTER OF THE KING. — HE SIGNS THE BILL OF ATTAINDER. — LETTER, — EXECUTION, — AND CHARACTER OF STRAFFORD. — REDRESS OF GRIEVANCES. — ABOLITION OF THE STAR-CHAMBER AND HIGH COMMISSION COURTS. — STATE OF PARTIES. — BISHOPS’ VOTES. — DIVISION BETWEEN THE LORDS AND COMMONS. — PACIFICATION WITH THE COVENANTERS. — THE KING’S VISIT TO SCOTLAND. — ADJOURNMENT OF PARLIAMENT. — “ THE INCIDENT ” SO CALLED. — REBELLION IN IRELAND. — RE-ASSEMBLING OF PARLIAMENT. — RETURN OF THE KING. — TUMULTS AT THE HOUSES OF PARLIAMENT. — REMONSTRANCE OF THE COMMONS. — PROTEST OF THE BISHOPS.

THE opening of the long parliament cannot be approached without a moment’s pause. That memorable assembly presents itself in high and grand relief to the student of English history and character. Servility and sycophancy have exhaled upon it the idle breath of defamation. That selfish party, which has ever sought its objects by intrigue and trimming, between court power and popular delusion, has employed towards it a certain tone of insidious candour and gentle condemnation. All have agreed by common consent that the great experiment of the commonwealth has proved the impracticability of republican government in England. It is only within a recent period that the temper of the

times and the progress of opinion have admitted, in the same page, the homage due to the achievements and principles of the long parliament, with a frank avowal of its errors*, and a fearless examination of the question, as a matter of historic truth and political philosophy — Whether the great experiment of a free commonwealth in England failed, succeeded, or remains undetermined.

On the 3d of November, the long parliament was opened by the king in person. Charles professed to throw himself implicitly upon the affection of his English subjects: stated the necessities of his service, and the sufferings of his people from the Scotch rebels in the north; promised a redress of grievances, and deprecated mutual distrusts. Finch, lord keeper, followed, in an elaborate strain of rhetorical commonplaces. His eloquence seems to have dropped unheeded. The king's speech, more pertinent, but less guarded, gave offence by applying the term "rebels" to the Scots. It is necessary to give some idea of the two houses of parliament at a crisis which has no parallel.

The efforts of the court to procure favourable returns signally failed.† Of the king's chief and efficient servants, the two secretaries, Vane and Windebank, alone obtained seats ‡: the former suspected of perfidy to the court, the latter odious to the people as a concealed papist, and creature of Laud.§ Charles met with disappointment at the threshold, in the choice of a speaker. It was the usage to choose a member privately recommended by the king, and it was known to be his intention to recommend Gardiner, recorder of London. To prevent this choice, and at the same time avoid what might seem an offensive departure from established courtesy to the king, it was contrived that the recorder should lose his election, not only in London,

* This has been done for the first time in Mr. Godwin's excellent history of the Commonwealth.

† Parl. Hist. ii. 629. Rush. iii. 1355.

‡ Sid. Papers, ii. 641.

|| Clarendon.

§ Clar. i. Carte, iv. 297.

but in other places for which he tried to be returned.* This is a conclusive proof of the organisation and activity of the patriot party. The king, taken by surprise, and choosing, it has been asserted, with inconsiderate haste, recommended Lenthall, then known only as a practising barrister.

The chief leaders of the commons were Pym, St. John, Hampden, Denzil Holles, Nathaniel Fiennes, and the younger Vane. The four first-named were already conspicuous and popular. Holles and Fiennes were the second sons of lords Clare and Say and Sele. The younger Vane, so infamously put to death by the second Charles,—one of the most remarkable men of any age or nation, for his comprehensive views, and expertness and finesse as a politician, joined with wild enthusiasm as a religionist,—fled from England, his father, and a brilliant court fortune, to the wilds of America, at the age of twenty, in 1635, because he could find nobody at home to administer the sacrament to him standing.† He returned after some time, and, though appointed through his father's influence joint treasurer of the navy, associated himself closely with the leaders of the popular party.

In the house of lords, the leading peers on the popular side were Francis Russell, earl of Bedford, less distinguished for his talents than for his public virtue, his personal dignity, and his patronage of Pym and St. John, who were said to counsel and direct him in return; William Fiennes and Robert Greville, lords Say and Brooke, united by their private friendship and zeal for puritanism; Robert Devereux, earl of Essex, beloved by the people for his name, his principles, and his military reputation; the brothers Henry and Robert Rich, earls of Holland and Warwick, sons of that sister of the unfortunate earl of Essex who somewhat scandalously married lord Mountjoy; and Edward Montague, lord Kimbolton, son of the earl of Manchester. All these were, according to royalist and jacobite writers, disaffected to monarchy. This is more than question-

* Ibid.

† Letter of Garrard, *Straff. Papers*, i. 463.

able ; it will be found inconsistent with facts ; but no doubt can be entertained of their disaffection to episcopacy. Among the supporters of the popular cause, at the commencement of the Long Parliament, should also be named the eccentric lord Digby, son of the earl of Bristol, the gallant lord Falkland, and Hyde, earl of Clarendon.

It is a common reproach that the house of lords, at this period, proved itself weak and recreant. "The lords," says Carte, "were at this time as much different from the old barons, who made in former days so great a figure in England, as the modern Romans are from the ancient." It is certain that the English peers were no longer the same in spirit, character, or even race, as in the time of the Plantagenets. The progress of civilisation, and the growing strength and liberty of the commons, would alone change their position, as well as diminish their power. But this was not all : the avarice, rapacity, and forfeitures of Henry VII., the cruel genius and dripping scaffolds of Henry VIII., the despotic jealousy of Elizabeth, reduced the ancient English baronage to a skeleton order, and the house of lords to a nullity. But that house, recruited from the commons by Charles and James, so far from meriting the reproach above stated, at the period in question, gave proofs of regeneration.

If, instead of attempting to balance the house of commons as an antagonist power, the house of lords followed in its wake, this should be ascribed not to degeneracy, but, first, to the resistless sway which the commons had obtained by placing themselves at the head of the national movement ; next to the English spirit with which so many of the most active and aspiring of the peers made common cause with them in defence of the public liberties.

The house of commons consumed the first week in appointing committees and receiving petitions. "Troops of horsemen," says Whitelock, "came from several counties with petitions for redress of grievances, and

exorbitancies in church and state."* What a change in the relation between the commons and the crown from the time of Elizabeth, who would have regarded a petition to the commons for redress as a high crime against her royal prerogative: and even from the time of James, when merchants aggrieved by a foreign power could approach the house of commons only under the mask of petitioners to the king in parliament.

It is surprising that changes so startling should have been lost upon the king. The pretension, under such circumstances, to govern by the maxims and practice of the house of Tudor, was infatuation. It is still more strange that such a hope should be entertained by a politician so able and sagacious as Strafford. But the rapidity and succession of recent events scarcely allowed him time to reflect; and he was hurried on by his fearless temper, by his contemptuous pride, by his ambition, above all by his personal jealousies and hatreds.

Serious blame, perhaps, rests also upon the patriot leaders of that day. They did not deal frankly with the king. Instead of affecting (as they did) to vindicate the ancient liberties of the nation, without touching the ancient prerogatives of the crown, they should have told him fairly that the English people could no longer be governed according to the maxims of prerogative, asserted by the Plantagenets and Tudors; that the liberty and property of the subject must be better secured by new guarantees, the house of commons admitted to a new station, and the crown subjected to new restriction and control. But those leaders were politicians as well as patriots; and the public mind may not have been yet prepared for their putting the great question of political reform thus undiguisedly to issue. In that case they should be commended for prudence, not censured for bad faith.

Charles summoned his parliament, with the hope of obtaining a supply from the commons, and of ridding England of the Scots by treaty or by force. It became

* Mem. 38.

apparent, even from the preliminary steps taken by the commons, that they looked upon themselves as assembled, not to offer him advice and supply his wants, but as a supreme court of revision and redress in every branch of the government, and every constituted authority of the state.

The wives of Burton and Bastwick petitioned the house on behalf of their husbands. An order was instantly made that Prynne, Burton, and Bastwick should be brought up from their respective prisons, with a certificate of the warrant or authority by which they were detained. Those three victims of the cruelty of the star-chamber proceeded through the country, and entered London in triumph, with rosemary and bays in their hats, and their way in many places strewed with flowers. Their release was just, morally; but not legally. The house of commons usurped a jurisdiction to which it had no claim, and which it expressly disclaimed in the case of Lloyd*, but the conduct of the commons was not the less warrantable. The king's arbitrary pretensions had forced upon them the recourse to irregular measures for their just defence, and the state of revolution was already begun.

On the 7th of November, the house took up the question of grievances. Pym appears to have taken the lead in this debate. Meeting Hyde some days before in Westminster-hall, he said the time was come when "they must not only make the house clean but pull down the cobwebs." † His speech, or the abstract of it which has been preserved ‡, contains an array of grievances in church and state, in detail, with the precision, method, and gravity which characterise the remains of his remarkable eloquence.§ He con-

* See his case in v. 43.

† Clarendon (restored text note), i. 299.

‡ Parl. Hist. ii. 64. From "Speeches and Passages of this great and happy Parliament," published in 1641.

§ The following heads of his speech are given by Whitelock (Mem. 38.); they may be said to contain the case of the commons against the king:—

"I. *Against privilege of parliament.* II. *Prejudice of religion.* III. *Liberty of the subject.*" Under the first head were reckoned:—"1. *Restraining the members of parliament from speaking.* 2. *Forbidding the speaker to put a question.* 3. *Imprisoning divers members for matters done in par-*

cluded by proposing two remedies in general terms,—declaring the law where it was doubtful, in other words, enacting new guarantees,—and providing means for its execution where it was clear. There was in Pym's speech a deadly force of statement and dialectics, whilst his tone was studiously, if not artfully, moderate. Rudyard and other members spoke with more vehemence. Bagshaw, member for Southwark, proposed, that all violations of the statute of monopolies and the petition of rights should be made highly penal. "What," said he, "must be done? What the plaster cannot do, let it be done with the saw. *Ense recidendum est ne pars sincera trahatur*. I cannot better english it, than in the words of a king, 'Let them be cut off in their wickedness, that have framed mischief as a law.'" The wrath of the house was directed against four descriptions of persons,—evil counsellors, monopolists, judges, and bishops. Mr. (afterwards sir Harbottle) Grimstone said, "It was the time of the Achi-

liament. 4. *By proceedings against them therefore in inferior courts.* 5. *Enjoining their good behaviour and continuance in prison even unto death.* 6. *Abrupt dissolutions of parliaments.*" Under the second head, of religion, were mentioned:—1. *The suspension of laws against them of the popish religion; laws and oaths will not restrain them; the pope dispenseth with all.* 2. *Their places of trust and honour in the commonwealth.* 3. *Their free resort to London and to the courts to communicate their councils and designs.* 4. *As they have a college in Rome for the pope's authority in England, so they have a nuncio here to execute it.*" Under the innovations of religion were brought in:—1. *Maintenance of popish tenets, in books, sermons, and disputes.* 2. *Practice of popish ceremonies countenanced and enjoined, as altars, images, crucifixes, and bowings.* 3. *Discouragement of protestants by rigid prosecution of the scrupulous, for things indifferent; no vice made of so great as inconformity.* 4. *Encroachment of ecclesiastical jurisdiction: (1.) In fining and imprisoning without law: (2.) Challenging their jurisdiction to be appropriate to their order, jure divino; (3.) Contriving and publishing new orders of visitation in force, as of canons, the boldness of bishops, and all their subordinate officers and officials."* Under the third head, the grievances:—1. *By tonnage and poundage unduly taken.* 2. *Composition for knighthood.* 3. *The unparalleled grievance of ship-money.* 4. *Enlargement of the forests beyond the due bounds.* 5. *Selling of nuisances by compounding for them.* 6. *The commission for building.* 7. *The commission for depopulations.* 8. *Unlawful military charges, by warrant of the king, letters of the council, and orders of the lieutenants of the counties and their deputies.* 9. *Extrajudicial declarations of judges, without hearing council or arguments.* 10. *Monopolies countenanced by the council table, and justices of the peace required to assist them.* 11. *The star-chamber court.* 12. *The king's edicts and proclamations lately used for maintaining monopolies.* 13. *The ambitious and corrupt clergy preaching divine authority and absolute power in kings to do what they will.* 14. *The intermission of parliaments.*

tophels, the Hamans, the Wolseys, Empsons, Dudleys, Tressilians, vipers and monsters of all sorts." That the judges had overthrown the law, and the bishops the gospel, was the common talk of the town. No defence appears to have been made for the inculpated parties or the court. A committee of twenty-three members was appointed to prepare a remonstrance on the state of the nation to the king.*

The lords seemed to share the temper of the commons. It has been observed, that the studies, and even the pockets, of lords Broke and Warwick were searched by order of the secretaries of state for a suspected correspondence with the Scots. The lords ordered sir W. Beecher, clerk of the council, who had executed the commands of the secretaries, to appear as a delinquent at the bar, and committed him to the Fleet.† The offence for which he was committed was his refusal at first to produce the warrants, and the trouble which he gave the house before he complied.‡ They bore the signatures of Vane and Windebank, and the lords desired a conference on the subject with the other house, of which the two secretaries were members. The matter was dropped, perhaps from favour to Vane. Williams bishop of Lincoln was still a prisoner in the Tower, under sentence of the star-chamber, for subornation of evidence. The king released him upon a motion to that effect by the lords; and he preached before both houses in St. Margaret's church.

Charles became alarmed at the proceedings of both houses, and the disposition manifested by not only the populace, but the better classes of the citizens of London. The Scotch commissioners, who resided in the city, were objects of popular favour, and the preaching of Henderson, a learned and celebrated presbyterian divine, was followed with the mingled enthusiasm of religion and politics. The king, acting upon his

* Rush. iv. 37.

† Whit. Mem. 38.

‡ Lords' Journals, Nov. 20. 1640. He was released, after only two days' confinement.

first impulse in all cases to employ brute force, and with his usual imprudence, appointed lord Cottington constable of the Tower, and placed in it a garrison of four hundred men. A ferment in the city and in parliament was the immediate result, and he was forced to withdraw both the commission and the garrison.* Thus he resorted to force only to render his want of power and of prudence more manifest.

In the beginning of the second week of the sitting of parliament, the house of commons entered upon a proceeding which eclipsed every other—the impeachment of Strafford. It may be regarded in the history of this period as second only to the trial of the king. His death or ruin was no doubt already planned in a secret conclave, by the leaders of the popular party.

The first step was the appointment of a committee on the affairs of Ireland. The question whether it should be select or of the whole house was strenuously debated, and the latter resolved by a majority of 165 to 152.† There are no records of the debate from which it might be inferred whether the strength of the court party in the house should be estimated by this division.

Strafford was still with the army in the North, and his friends apprised him of the gathering storm. They counselled him against the hazard of appearing in his place as a peer. But Strafford's resolution was already formed. It was his first purpose to remain with the army, lest his presence in parliament should prove injurious, not useful, to the king. Charles said he could not dispense with the services of his ablest councillor, and declared that, "whilst he was king of England, the parliament should not touch a hair of the head of Strafford."‡ The earl persisted in his view, but the king was immovable, and commanded his attendance; and Strafford, determined by the king's protection and commands, and by his own fearless spirit, rejected the counsel of his friends.

The coming of Strafford from his government in

* Whit. Mem. 38.

† Commons' Journal, Nov. 6. 1640.

‡ Whit. Mem. 73.

Ireland has been reckoned as the most imprudent act of Charles. "This was," says Warburton*, "the most fatal as well as absurd step the king ever took since the beginning of the differences between him and his parliament. The superiority of Strafford's genius (who had brought Ireland into perfect subjection, and had modelled a numerous and well-disciplined army entirely devoted to him) must, *while he remained in Ireland*, have so dared both the parliament and the Scots that neither of them would have ventured to rise in arms, while Strafford with his forces was hovering over both one and the other on the south and the north-east coasts of Ireland, and ready to fall upon them on their first motion, before they had raised a man for the service, or at least at hand to disperse any raw and undisciplined troops which they had hostilely raised before he could reach them. But when he was brought into England, and at the head of the army in the second expedition against the Scots, his leaving that army on the pacification, and going up to parliament, was the second fatal step which ruined both him and his master."

On the 11th of November, Pym rose in his place, stated that he had matter of the highest importance to lay before the house, and desired that the strangers' room should be cleared, and the outer door of the house locked. After this solemn preparation, he announced that the information of several persons furnished grounds for charging Thomas earl of Strafford with high treason. Lord Falkland alone, though unfriendly to Strafford, interfered in his favour. He proposed a preliminary inquiry. Pym frankly replied that they must act instantly, or Strafford would secure himself by procuring a dissolution of parliament, or by employing against them the army, which was under his command. Seven members were immediately selected to examine the informations, and report thereon.

Meanwhile the sitting of the commons with closed

* Notes on Clarendon.

doors, and other precautions of secrecy, spread alarm in the house of lords and at court. A message from the lords requested a conference with the commons by the king's orders. It was regarded as a device to interrupt or discover their proceedings; the conference was declined; the committee of seven * reported that they found just cause to impeach the earl of high treason, and Pym carried up the impeachment in the name of the commons of England to the lords, with the request of the commons that they would sequester the earl of Strafford from parliament, and commit him to prison.

Strafford, who had only arrived from the north that day, was actually in consultation with the king, and most probably upon the means of impeaching his accusers. It is stated, that whilst in command of the army, he discovered a treasonable correspondence between the popular leaders of both houses and the covenanters, and came up to parliament already prepared with his charges against them.

Pym and the covenanters had not long retired from the conference with the lords, when Strafford proceeded towards his usual place at the head of the table with a haughty step and an expression of fearless defiance in his looks. He was suddenly and tumultuously saluted with a cry of "Retire," "Void the house," from several lords, and returned to the door by which he had entered. After a short consultation he was commanded to the bar, and appeared there standing. He was ordered to kneel, and on his knees heard from the lord keeper, that he was impeached as a traitor by the house of commons. He began to reply, but was silenced instantly, and borne off in custody by the usher of the black rod: after some days he offered bail, but was denied, and lodged in the Tower.

Thus in one day, in one hour, Strafford, "the great apostate," as he was called in the house of commons and by the people, from being named with awe and fear, fell from the height of his pride and power.

There were party leaders of the first order for ability

and resolution in the three first parliaments of Charles ; yet they failed in the attempt to execute the justice of the nation — or the vengeance of the commons — upon another great culprit, immeasurably beneath Strafford in all but his guilt and power. The victory of Buckingham over three successive parliaments, and the defeat and ruin of Strafford in a single day, constitute one of the many standards which successively present themselves for appreciating the growing strength of the patriots. The movement by which the leaders of the popular party improvised as it were the impeachment of Strafford, is perhaps unparalleled for boldness, vigour, and adroitness in the tactics and the annals of party strife. It would be premature to notice here their motives or their justification, which can be determined only by what may be called the trial of the accusers as well as of the accused.

The present house of commons was essentially distinguished as one of action. In former parliaments, superior talents and fearless patriotism evaporated too frequently in words spoken. Every discussion now ended in a resolution of permanently operative force. Monopolists and patentees were declared incapable of sitting in the house: the impost of ship-money, the extrajudicial dicta of the judges on the subject, and the decision of the exchequer chamber in Hampden's case, were declared by a sweeping resolution, moved by St. John, subversive of the subject's right of property, the laws of the realm, the resolutions of former parliaments, and the petition of rights. A committee was appointed at the same time to ascertain from the judges whether and by whom they were threatened or solicited. On Friday the 11th of December was presented to the house of commons the London petition, signed by 15,000 citizens, against the prelates and prelacy. It set forth that episcopal government, with its courts and ministrations, was prejudicial and dangerous to the church and commonwealth, as proved by woful experience ; prayed that the said government, with all

dependencies, *roots, and branches* might be abolished ; and had appended to it a declaration charging twenty-eight specific grievances upon the prelates and their dependants.

In four days after, the new canons, and the benevolence voted by the convocation after the last dissolution of parliament, were condemned, and a committee appointed to inquire who were the chief instigators ; but more especially how far William, archbishop of Canterbury, was concerned. Laud accordingly, like Strafford,—with this difference only, that Holles, not Pym, acted as his chief accuser,—was impeached of high treason before the lords ; denounced at the same time as an “ incendiary in the national differences,” by the Scotch commissioners ; sequestered from his seat in parliament ; and, after ten weeks’ confinement in the house of the usher of the black rod, committed to the Tower.

Retribution had already reached this ill-fated prelate. Sir Robert Howard complained to the lords that he had been committed to prison, and bound in the sum of 1500*l.* to appear before the star-chamber, by Laud. The lords cancelled his bond, and condemned the archbishop in 500*l.* damages to sir Robert Howard.* The offence of the complainant was assisting in the escape of lady Purbeck from prison, and living in adultery with her. “ Say,” says Laud in his Diary, “ the imprisonment were more than the law allowed, what may be done for honour and religion sake ? ” This is a frank avowal of the spirit of Charles’ government by his only honest counsellor. Law was regarded as a bridle upon the nation—and upon it only—in the hands of the king. The redress given by the lords was no less irregular, but perhaps, under the circumstances, excusable.

Informations were lodged before the house of commons against Wren, bishop of Ely, for oppression and idolatry ; Pierce, bishop of Bath and Wells, for corruption of religion ; and the lords, at the desire of the

* See his Diary in Rush.

commons, ordered both to give security in 10,000*l.* to abide the judgment of parliament. Secretary Windbank was unpopular as one of the tools of the court, odious as a suspected papist and favourer of recusants, and especially compromised by giving his warrant for the release of a priest. Articles of impeachment were prepared against him by the commons, from which he escaped by connivance, or his good fortune, to France.

The censure passed by the commons upon ship-money spread alarm through the kingdom. Sheriffs and other officers who were instrumental in levying it apprehended nothing less than their being prosecuted as traitors. The commons, however, from policy as well as justice, selected for punishment only the chief authors and abettors of that tyrannical impost.

An impeachment of treason was prepared against Finch, lord keeper. Finch was decidedly the most skilful or artful rhetorician of his time. He requested and obtained leave to defend himself in the house of commons, spoke with more than his usual ingenuity, was heard with favour*, and, upon retiring from the house, fled to Holland. His escape most probably was connived at†; but he was voted a traitor in his absence.

The guilty share of the judges in the ship-money case did not escape the terrible inquisition exercised by the commons. The lords, in accordance with a message from the commons by Waller, ordered Bramstone, Davenport, Berkley, Crawley, Trevor, and Weston to give bail in the sum of 10,000*l.* each, to abide the judgment of parliament. Berkley was impeached of treason, arrested publicly on the bench,

* Whit. Mem. 39.

† Clarendon intimates that Finch had come to an understanding with the popular party: his chief accusers in the house of commons were Clarendon and Falkland. Warburton, in a note upon the following words of Clarendon, — "*Frighted away the lord keeper of the great seal of England, for the lord Finch, it was visible he was in their favour,*" says, "It appears by the omitted narrative hinted at in the foregoing page, (and which since the chancellor's pieces of history were lodged at Oxford, has been discovered and transcribed by many), it appears I say that Finch was not *frighted away* by the *reformers*, for he had made his peace with them; but *frighted away* by Hyde and Falkland partly on that account, and partly to divert the storm from Laud and Strafford."

brought away like a common felon, to the dismay of his brethren, both judges and lawyers, in Westminster-hall; and, after the impeachment had been suspended over him for some time, was permitted to retire, in consideration, it was said, of a gift of 10,000*l.* for the public service of the parliament.

From the escape of Windebank and Finch, and the lenient course adopted towards the judges, whose guilt was of a deeper die and baser character, it may be inferred that Strafford and Laud, and they alone, were marked out for victims to avenge and secure the public liberty.

Who can reflect without wonder, without profound admiration, that the series of acts above stated, or rather but imperfectly sketched, and many more, were accomplished in the short space of about seven weeks, from the commencement of business on the 6th of November to the end of December. But this, it has been already observed, was a parliament not of words, but of deeds, governed by minds of the highest order, upon principles and combinations of which, unhappily for the science of statesmanship, there are no sufficient records.

There is another reflection, which cannot fail to arise, — the utter nullity of the king in all those proceedings. The inference will, perhaps, also suggest itself, as already apparent, that he could recover his monarchical power only by force of arms; but it should be observed and remembered, as no less apparent, that he had brought the nation and himself into such a relative position, as to render monarchy in his person incompatible with freedom. It was his own fault.

1641. The main grievance was the disuse of parliaments. It protected oppression, monopolies, imposts against law, the iniquities of the courts, whether of Westminster-hall, the star-chamber, or the high commission. Subject to this power in the king, a power so tempting and congenial to him, no liberty was secure, and the recent labours of the commons would soon be obliterated.

On the 19th of January, a bill was brought in by

Mr. Prideaux, for preventing the inconveniencies happening by the long intermission of parliaments. It proposed that the parliament should be held *yearly*. Several amendments were made to it in committee *, of which the most important was changing the period from annual to *triennial*.† The bill, as first introduced, was probably a simple revival of the two dormant statutes of Edward III., which enacted that parliaments should be held at least once a year.

There is no record of the discussions, from which to discover the motives of this change. The suggestion of a Jacobite historian, that “it was not consistent with the views of the faction to be confined to a session of a single year,” merits attention, but not implicit confidence.‡

No precaution was omitted to insure the observance of this famous statute. The issuing of writs was made imperative on the keeper of the great seal; in case he failed, then upon the lords; if they failed, upon the sheriffs; and in the last resort representatives might be chosen by the people themselves.

The assent of Charles to this bill was extorted rather than obtained. On the 25th of January he summoned the lords and commons to Whitehall, addressed the latter in a tone of ungracious rebuke, declared his royal intention “to reduce all things to the best and purest time, as they were in the time of queen Elizabeth;” his resolution to support the bishops’ right of voting in parliaments; his liking of frequent parliaments; “but to give power to sheriffs, constables, and he knew not whom, to use his authority, that he could not yield unto.” In fine, he recommended to them quick despatch in voting him a supply. His ungracious rebuke and declared resolution were alike obstinate and impotent. It will presently appear that he gave his assent to the triennial bill, that he abandoned the star-chamber and high commission courts, those monuments of the purest times of

* Rush. iv. 145.

‡ See Carte, *ut supra*.

† Journ. of Com. Jan. 1640. Carte, iv. 324.

queen Elizabeth, and that if he held out for the bishops' votes, his weak struggle only proved more fatal to him.

It suggests a mournful view of the infirmity of human nature, to find that most mean, malignant, and cruel of all instincts, religious persecution, mingled with the high motives and generous resolves of the patriots of that day. Charles reprieved John Goodman, condemned to death as a seminary priest, under the statute of Elizabeth. The lords and commons called upon the king in a joint remonstrance to carry the law into execution. He, in answer, placed the life of the unfortunate priest at the disposal of both houses, and next day laid before them a petition of the convict, in which he prayed, rather than he should be the cause of discontent between the king and his people, the law might have its course. Whether this petition was dictated by magnanimity or by politic calculation, it would be rash to decide; but the execution did not take place: and the secret motive of the leaders in the remonstrance may have been to strengthen that popular distrust of the king, which was an essential element in the success of their great design to establish the public liberties.

The queen, it will be recollected, used her influence with the catholics to obtain contributions from them for the expedition against the covenanters. Sir Kenelm Digby, Mr. Walter Montague, and a few other catholics who were active in the matter, were examined at the bar of the house, but rescued from further proceedings by an humble letter of apology to the house from the queen.* The house of commons at the same time voted 300,000*l.* "for the friendly aid and relief, and towards the losses and necessities, of their brethren the Scots."† When the parliament thus subsidised as brethren those whom the king proclaimed rebels, Charles was already deposed, and the state of England republican.

* Rush. iv. 160, &c. Sir Kenelm Digby and Mr. Montague, in their examinations (Rush. *ut supra*), not only made no mention of the alleged letter from the pope, forbidding the catholics to contribute (Rush. iii. *Clar. State Papers*), but stated that the nuncio was the chief promoter.

† Rush. iv. 169.

One great experiment remained to be made upon both the virtue and the power of Charles—the impeachment of Strafford. The committee of managers to conduct the impeachment was composed of Pym, Hampden, Holles, Stroud, Selden, St. John, Whitelock, Maynard, Palmer, Glyn, sir Walter Earl, and lord Digby. Whitelock was appointed chairman, and Pym charged with exhibiting the impeachment against the earl at the bar of the house of lords. The base parliament of Ireland, which had crouched before Strafford with sycophant flattery in his hour of pride, sent over a deputation to charge him with various crimes towards individuals and the state, and their charges were embodied in the accusations of the English commons.*

The impeachment, consisting of twenty-eight articles, and embracing fourteen years of the life of the culprit, set forth in methodical detail, with all the precision, dexterity, and force which characterised Pym and St. John, a series of acts done, and words spoken, by him during that period as president of the north, chief governor of Ireland, privy counsellor, and commander of the king's forces. Any attempt to give an abstract or the substance of a written statement, so methodical and compact, would but mislead the reader †: suffice it to state, that three of the twenty-eight articles charged him with the following substantial treasons: viz. imposing a tax of his own authority upon the inhabitants of Yorkshire; exacting arbitrary taxes by quartering soldiers in Ireland, against the laws of that kingdom and the king's sovereignty; and raising an army in Ireland for the purpose of subverting the government and laws of England. Among the words spoken, of which he was accused, the most marked were, that Ireland was a conquered country, to be governed as such; his advice given in council, that the king should bring over the Irish army for the purpose of reducing England; his opinion that the king, having applied in vain to parliament, was absolved from all laws of go-

* See Carte, iv. 332.

vernment; and his declaration that the king's little finger should be found heavier than the loins of the law. He was charged summarily by a special resolution of the commons with having endeavoured to subvert the ancient and fundamental laws of England, Scotland, and Ireland, and to introduce arbitrary and tyrannical government.*

Strafford requested three months to prepare his defence, was allowed three weeks, and on the 24th of February his answers in detail to the several charges were read at the bar of the house of lords.

A proof of judicial independence was given on the occasion by the peers. Charles came unexpectedly to hear Strafford's defence read: upon his retiring, they ordered it to be read again, considering as null this reading of it in the king's presence.

The fate of Strafford and the justification of his accusers rests not upon his legal guilt or innocence of the statutable crime of treason, but upon considerations of a higher order. It would be vain, therefore, to examine the validity of a technical defence, drawn up for him by lawyers, and still more voluminous than the impeachment.† The 22d of March was fixed for his trial. Some circumstances occurred meanwhile which merit notice in reference to it.

The bishops were naturally expected to favour Strafford. Whilst it was in contemplation to move that they should withdraw on the ground of its being a case of life and limb, a motion was made on their part by Williams to excuse their attendance *in agitatione causæ sanguinis*, and readily agreed to. Williams is charged with having made this proposition to the house out of hatred to Strafford, and even without authority from his brother bishops, who had not courage to oppose or disavow him‡, — whilst the friends of Strafford and of the church reproached them with pusillanimity in ceding

* Rush. Trial of Straff. 48.

† An abstract of it will be found in Rushworth's Report of the Trial (vol. viii. of collections), and in the State Trials, iii.

‡ Clarendon.

their right by the *Constitutions of Clarendon*, so called, to attend *in capital* trials to the stage of giving judgment.*

Counsel, it has been observed, was allowed the earl ; but, after a conference with the commons, was restricted by the house of lords to matter of law. It became every day more apparent that the managers of the impeachment aimed at the life of Strafford. The commons proposed that not only the members of both houses, but those of the king's council, should be examined upon oath before their committee: the king consented to release them from their oath of secrecy for the purpose of their being so examined, and thus introduced distrust and reserve into his council, whilst it will presently appear that the examination of Vane proved fatal to Strafford.

Charles attempted to save him by a compromise with the popular leaders. He proposed to appoint the earl of Bedford lord treasurer, Pym chancellor of the exchequer, lord Say master of the woods, lord Kimbolton privy seal, Holles secretary in the room of Windebank, Essex governor, and Hampden tutor, of the prince of Wales, St. John solicitor-general, the earl of Warwick high admiral of the fleet. Juxon and Cottington resigned, the former the treasurer's staff, the latter the chancellorship of the exchequer and the mastership of the wards, and Manchester was ready to cede the privy seal to his son. Of all these appointments but one took place,—St. John succeeded Herbert as solicitor-general. It is doubtful whether the failure arose from obstacles on the part of the popular leaders † or from change of purpose in the king.‡ There appears an insuperable barrier at the outset—the proposed restoration of Strafford to his place in the king's council.§ Charles, however, introduced Bedford, Hertford, Warwick, Say, Saville, Kimbolton, Bristol, and Essex into the council. This measure disgusted

* Carte, iv. 329.

† Clarendon, 371.

‡ Whit. Mem. 41.

§ Ibid. The failure has been ascribed by some to the death of the earl of Bedford, which took place soon after.

those who were called the king's faithful servants*, without conciliating the chiefs of the popular party.† The official arrangements had failed, and the new creation of counsellors was ascribed to the perfidious suggestions of Hamilton, at the instance of the covenanters.‡

On the 22d of March began the most memorable and the grandest judiciary proceeding in English history — one only excepted. Westminster-hall was chosen for the stage of this great spectacle. The presence of the lords and commons of England — of commissioners from those of Scotland and Ireland; of the king, queen§, and court; the concourse of English ladies; above all, the presence of “the great apostate,” whose character seemed to acquire new grandeur in his fall from power, his personal danger, his fearless bearing, and even his guilt. The earls of Arundel and Lindsey acted, the one as high steward, the other as high constable of England. Strafford entered the hall guarded by two hundred train bands. The question being put by the porter of the hall to the usher of the black rod, whether the axe should be carried before him, the usher replied that it was forbidden by the king.|| The multitude, according to an eye-witness, saluted him respectfully as he passed.¶

The impeachment was opened by Pym on the following day, and the several articles maintained from day to day by the managers to whom they were respectively assigned. Strafford defended himself against the daily succession of charges and adversaries, with a force and promptitude of eloquence and argument, a frankness of tone and dignity of demeanour which won him admiration

* Clarendon, i. 345.

† Whit. Mem. 41.

‡ Clar. ut supra.

§ “The king, queen, and prince came to the house, about nine of the clock, but kept themselves private within their closets; only the prince came out once or twice to the cloth of state, so that the king saw and heard all that passed, but was seen of none: some give the reason of this, from the received practice of England in such cases. Others say, that the lords did entreat the king either to be absent, or to be there privately, lest pretensions might be made hereafter, that his being there was either to threaten or some otherwise to interrupt the course of justice. A third sort, that the king was not willing to be accessory to the process till it came to his part, but rather chose to be present, that he might note and understand what violence, rigour, or injustice happened. — *State Trials*, iii. 1414.

|| Ibid.

¶ Ibid. 1417.

and pity. "Opinions," said he in reply to the charge respecting the advice in council, "may make an heretic, but that they make a traitor I have never heard till now." The peers who sat as his judges seemed more disposed in his favour, and the women were subdued by the commanding and intellectual cast of his harsh features and dark brow.*

Meanwhile the commons discovered new evidence, which has been regarded as fatal to him. On the 10th of April Pym announced a communication of the last importance respecting the earl of Strafford. The members were ordered to remain in their places, and the doors locked. Pym and the younger Vane were called upon to declare their knowledge of the matters contained in the twenty-third article of the impeachment. He read a paper professing to be "A copy of notes taken at a junto of the privy council for the Scots affairs about the 5th of May last." They were taken by the elder Vane, who, according to Clarendon †, placed them in the hands of Pym, out of hatred to Strafford. Whitelock, less open to suspicion, and in this case better informed, states that the elder Vane being absent from London, and in want of some papers, sent the key of his study to his son: that the latter, in executing his father's orders, found this minute of council, and was induced by Pym to allow its being produced against Strafford.‡

On the 13th the notes were read as evidence against him in Westminster-hall. The following were the essential words:—"You," said Strafford to the king, "have an army in Ireland that you may employ to reduce *this* kingdom to obedience." Vane at first denied any recollection of the words; but after some others had asserted that the earl had used those words *or the like*, it was suggested by lord Holles, the father-in-law of Strafford, that "this kingdom" from grammatical construction

* Mad. de Motteville, repeating the narrative of Henrietta, says of Strafford, "Il était laid, mais assez agréable de sa personne; et la reine, me contant toutes ces choses, s'arreta pour me dire qu'il avait les plus belles mains du monde."

† Clarendon.

‡ Whit. Mem. 43.

might mean Scotland. Strafford himself put it to Vane whether the words used by him were "this kingdom" or "that kingdom." The life of the earl thus hung upon a monosyllable.‡ Strafford, having delivered in his answer to this new evidence, was called upon by the lord keeper to make his defence in person to the facts, the matter of law being open to his counsel.

There are different versions of his speech : the close of it, given by Whitelock, is noble and pathetic. "My lords, it is hard to be questioned upon a law which cannot be shown. Where hath this fire lain hid so many hundred years, without smoke to discover it, till it thus burst forth to consume me and my children? That punishment should precede promulgation of a law — to be punished by a law subsequent to the fact, is extreme hard : what man can be safe, if this be admitted? My lords, it is hard in another respect, — that there should be no token set, by which we should know this offence ; no admonition by which we should avoid it. My lords, be pleased to give that regard to the peerage of England, as never expose yourselves to such moot points — such constructive interpretations of laws : if there must be a trial of wits, let the subject-matter be of somewhat else than the lives and honours of peers. It will be wisdom for yourselves, for your posterity, and for the whole kingdom, to cast into the fire these bloody and mysterious volumes of constructive and arbitrary treason, as the primitive Christians did their books of curious arts ; and betake yourselves to the plain letter of the law and statute, that telleth us what is and what is not treason, without being more ambitious to be more learned in the art of killing than our forefathers. It is now 240 years since any man was touched for this alleged crime, to this height, before myself. Let us not awaken these sleeping lions to our destructions, by taking up a few musty records, that have lain by the walls so many ages, forgotten or neglected. May your lordships please not to add this to my other misfortunes ; let not a precedent be derived from me so disadvantageous as this will be in

its consequence to the whole kingdom. Do not, through me, wound the interest of the commonwealth ; and howsoever these gentleman say, they speak for the commonwealth : yet, in this particular, I indeed speak for it, and show the inconveniences and mischiefs that will fall upon it : for, as it is said in the statute 1 Hen. IV., ‘ No one will know what to do or say for fear of such penalties.’ Do not put, my lords, such difficulties upon ministers of state, that men of wisdom, of honour, and of fortune may not with cheerfulness and safety be employed for the public. If you weigh and measure them by grains and scruples, the public affairs of the kingdom will lie waste ; no man will meddle with them who hath any thing to lose. My lords, I have troubled you longer than I should have done, were it not for the interest of those dear pledges a saint in Heaven hath left me.” At this word (says the reporter) he stopped awhile, letting fall some tears to her memory, then he went on : — “ What I forfeit myself is nothing ; but that indiscretion should extend to my posterity woundeth me to the very soul. You will pardon my infirmity ; something I should have added, but am not able ; therefore let it pass. Now, my lords, for myself I have been, by the blessing of Almighty God, taught ‘ that the afflictions of this present life are not to be compared to the eternal weight of glory, which shall be revealed hereafter. And so, my lords, even so, with all tranquillity of mind, I freely submit myself to your judgment, and whether that judgment be of life or death, *Te Deum laudamus.*” St. John maintained that the articles charged as such amounted to treason, and his counsel replied on the part of Strafford.

Meanwhile the commons had changed their course and were proceeding with a bill of attainder. This change is generally ascribed to their despair of convicting him as a traitor by impeachment. It may be more reasonably accounted for by the consideration that a bill of attainder would be free from the dangers which would attend the judgment on impeachment as a precedent, and that the

king would find it more embarrassing to refuse the royal assent than to exercise the royal mercy.

The bill of attainder was read a first time on the 13th of April, the day on which Vane's notes were produced to the house, and passed on the 21st. Lord Digby, one of the managers, opposed it in an eloquent and memorable speech. "Truly," says he, "sir, I am still the same in my opinions and affections, as unto the earl of Strafford: I confidently believe him to be the most dangerous minister, the most insupportable to free subjects, that can be charactered. I believe his practices in themselves as high, as tyrannical, as any subject ever ventured on; and the malignity of them hugely aggravated by those rare abilities of his, whereof God had given him the use, but the devil the application. In a word, I believe him to be still that *grand apostate* to the commonwealth, who must not expect to be pardoned in this world till he be despatched to the other*, and yet let me tell you, Mr. Speaker, my hand must not be to that despatch: I protest, as my conscience stands informed, I had rather it were off."† Lord Digby spoke with fervour; but he had denied with equal fervour all knowledge of the abstraction of the notes of Vane.‡ His change of opinion was doubtless the result of court influence, or his habitually capricious character.§

The bill of attainder was now on its way to the lords. Charles summoned both houses to attend him on the 1st of May, and desired, or rather entreated them not to proceed severely against the earl. "I must tell you," said he||, "I am sure you all know that I have been present at the hearing of this great case from the one end to the other; and I must tell you, that I cannot in my conscience condemn him of high treason; it is not fit for me to argue the business;

* See Rush. v. 651.

† Parl. Hist. xlii. 750.

‡ Whit. Mem. 43.

§ He was, doubtless the "Milord Dembi," stated by madame de Motteville to have been gained over by the queen.

|| Rush. iv. 329.

I am sure you will not expect that ; *a positive doctrine best becomes the mouth of a prince*. Yet I must tell you three great truths, which I am sure no body knows so well as myself : 1. That I never had any intention of bringing over the Irish army into England, nor never was advised by any body so to do ; 2. That there was never any debate before me, neither in public council, nor at private committee, of the disloyalty of my English subjects, nor ever had I any suspicion of them ; 3. I was never counselled by any to alter the least of any of the laws of England, much less to alter all the laws : nay, I must tell you this : I think nobody durst ever be so impudent to move me in it ; for if they had, I should have put such a mark upon them, and made them such an example, that all posterity should know my intentions by it ; for my intention was ever to govern according to law, and no otherwise.

“ I desire to be rightly understood. I told you in my conscience I cannot condemn him of high treason ; yet I cannot say I can clear him of misdemeanors. Therefore, I hope that you may find a way for to satisfy justice and your own fears, and not to press upon my conscience. My lords, I hope you know what a tender thing CONSCIENCE is ; yet I must declare unto you, that to satisfy my people, I would do great matters ; but this of *conscience*, no fear, no respect whatsoever, shall ever make me go against it.” He concludes as follows :—“ Nay, I must confess, for matter of misdemeanors, I am so clear in that, that though I will not chalk out the way, yet let me tell you, that I do think my lord Strafford is not fit hereafter to serve me or the commonwealth in any place of trust, no, not so much as that of a constable. Therefore, I leave it to you, my lords, to find some such way as to bring me out of this great strait, and keep ourselves and the kingdom from such inconveniences ; certainly he that thinks him guilty of high treason in his conscience may condemn him of misdemeanor.”

This measure of the king is said to have been per-

fidiously suggested to him by his new privy counsellors, and more particularly by lord Say*, who undertook to save his life.† Strafford, upon being informed of the king's purpose, sent his brother to deprecate it, as fatal to him. He judged with his accustomed sagacity. The commons took fire at the king's speech as an invasion of their privileges. The following day was Sunday, and the presbyterian pulpits resounded with cries of "justice upon the great delinquent." Next day an infuriate multitude, variously armed, thronged round Westminster-hall, clamoured for the blood of Strafford, and placarded as "Straffordians" the names of those commoners who had voted against the attainder.‡ The king complained indignantly of the tumult to the lords, who requested a conference on the subject with the commons. The latter declined. They were occupied in hearing the denunciation of a dangerous conspiracy by Pym. He discovered to the house various designs at home and abroad (referring to France) against the parliament and the nation; but more particularly a conspiracy to overawe parliament by means of the army, in which the queen's servants were implicated; and a plot for the escape of Strafford from the Tower.

The first step of the commons was to draw up a "protestation" to defend the protestant church, his majesty's person, power, and the privileges of parliament, and the lawful rights and liberties of the people. It appears to have been taken by both houses, with the exception of the catholic peers, and ordered to be taken throughout the kingdom. Hence their absence during the progress of the attainder against Strafford.§ The multitude continued to assemble and clamour round Westminster-hall, and the commons were reduced to the humiliation of employing Dr. Cornelius Burgess to acquaint them with the protestation, and

* Clar. 447, 448. Nalson's corroboration is of little or no value, and Carte but repeats him and Clarendon.

† Clar. i. 534. The motive ascribed to him by Clarendon was the hope of being made treasurer as the successor of the earl of Bedford. But Bedford was still living; and Clarendon habitually referred men's actions to some grovelling motive of court favour.

‡ Clar. i. 248

§ Rush. 244, &c.

induce them to disperse.* That zealous divine is said to have called the mob his bandogs, which he could take off or set on at his pleasure.†

They next addressed the king upon the necessity of guarding against the army plot, and securing the conspirators. Royalist and Jacobite writers have treated this conspiracy as a fabrication for the ruin of Strafford and the king.‡ There can be no doubt of its reality.§ Goring, then a colonel in the army, and Percy, brother of the earl of Northumberland, took the lead in a consultation of officers, held under an oath of secrecy. It originated with sir John Suckling, who was soon thrown aside from distrust of his personal courage. The parliament was to be overawed or dissolved; and, in short, the king rendered absolute, by the sudden march of the army to London. They addressed to the king a petition, which he received and approved, and marked with the initials C. R.: it seriously compromised him. This movement was combined with the escape of Strafford. Balfour, lieutenant of the Tower, was offered by the earl 22,000*l.*, the marriage of Balfour's son to his eldest daughter, and the king's warrant for his indemnity. He received the king's command at the same time to receive captain Billingsley, one of the conspirators, with 100 picked men, into the Tower. Dreading the vengeance of the house of commons, he rejected the bribe, and refused obedience to the military order.|| The king and queen charged Jermyn, already the queen's favourite, to reconcile the rival pretensions of Goring and Percy, but failed to do so, and Goring disclosed the plot to lord Newark, from whom, through Bedford, Say, and Kimbolton, it reached Pym.¶

The public liberty now hung upon the existence of the present parliament, or upon immediate recourse to

* Rush. 450.

† Carte, iv. 341.

‡ Clarendon, Nalson, Carte, &c.

§ Mém. de Mad. de Motteville, i. 258.

|| Rush. iv. 253.

¶ Warburton, in his notes on Clarendon, says of Goring's discovery, "Goring had a mind the petitioners should speak out amongst themselves, which finding them shy to do, he was resolved they should not make use of his bold advice to his prejudice, and so revealed the whole plot; for a plot it was, as appeared by the oaths of secrecy."

arms. The king might, and probably would, "break its neck," to use his own and his father's phrase, without a moment's warning. This should be remembered in judging the memorable bill now brought in by the commons, — that parliament should not be dissolved without the consent of both houses. The constitutional power of a king of England, a power still more requisite for the liberty of the people than the crown, was thus abrogated in Charles ; but there was no alternative, and the fault was his. The nation was forced by him into a state of revolution, as complete as when he raised his standard at Nottingham, and the powers of the state were resolved into their constituent elements. That the parliament should be indissoluble without its own consent, was a necessary guarantee for the freedom of its counsels against the king's despotism and vengeance. It passed through both houses in three days.*

Meanwhile the bill of attainder proceeded against Strafford. The lords having voted that certain articles were proved †, desired the opinion of the judges, whether he was thereby guilty of high treason. They replied, with scandalous unanimity, in the affirmative. The judicial order at this period was so utterly debased, so governed by corruption or by fear, that this opinion is of no value in estimating Strafford, his accusers, or the peers.

The bill abrogating the king's prerogative to dissolve parliament, and that for attainting Strafford, passed the house of lords the same day, (May 7.) ‡, and

* Warburton has the following note upon this bill : — "*Those whom he most trusted must have been under the same agony, or rather infatuation, with the king, or a word or two might have been added that would easily have passed ; whereby something of the evil of this bill had been guarded against. The clause I mean is, that after the act had said, this parliament should not be dissolved without their own consent, it had been added, or by the death of the king, on which, by the constitution, a dissolution ensued. Not that I suppose this would have prevented the king's murder, in the state things then were ; but it would probably have prevented things from coming to that state, by a care and use they would then have had of the king's welfare.*"

† What articles these were is uncertain, in consequence of the erasure of the proceedings from the Journals after the Restoration.

‡ There are different versions of the numbers for and against the attainder. Whitelock (chairman of the committee of managers), states them to

waited only the royal assent. It is honourable to the memory of the unfortunate Charles, that the abrogation of his power in a matter absolutely essential, and of which he doubtless was fully aware, seemed to have been wholly overlooked or forgotten by him. He thought only of saving the devoted head of Strafford. On the following day, a deputation from the lords and commons waited upon him, to request his assent to the bill of attainder, "in regard so much of the peace of the kingdom depended on the execution of that bill." The next day was Sunday. He summoned his council, and commanded the attendance of some of the judges and bishops*, and stated to them his distress. It was what is called a case of conscience, — whether he could assent to the attainder of Strafford, believing him innocent. Juxon, bishop of London, a man who had the rare merit of owing his safety in those dangerous times only to his virtue, honestly told him no consideration should induce him to act against his conscience; but Williams discovered to him that he had two consciences, — one private, the other public; and that his public conscience as a king might even oblige him to act against his private conscience as a man.† Three other bishops, — Usher, primate of Armagh, Morton, of Durham, and Potter, of Carlisle‡, — advised him to submit his conscience to the opinion of the judges.§ The latter being called in, refused to give any reasons for their opinion, and said merely that the case as put to them was treason.|| Charles signed the commission for giving the royal assent to the attainder, declaring, with tears, that Strafford's condition was happier than his own.

He had another and secret source of emotion and distress. Strafford had written him four days before

have been 26 for, 19 against. This was a small attendance out of 118 who were peers of parliament, and 80 who had attended the trial.

* Rush. iv. 262.

† Clar. i. 451. Williams seems to have been the prototype of Burnet and the other casuist churchmen of that school.

‡ Carte, iv. 350. (see his references).

§ Mem. of Strafford, by sir George Radcliffe.

|| Ibid.

his celebrated letter, releasing him from his pledged word to save his minister.* “To say, sir †,” says he, “that there hath not been a strife in me were to make me less man than God knoweth my infirmities make me ; and to call a destruction upon myself and my young children (where the intentions of my heart at least have been innocent of this great offence), may be believed, will find no easy consent from flesh and blood.” The letter concludes :—“So now to set your majesty’s conscience at liberty, I do most humbly beseech your majesty, for prevention of evils which may happen by your refusal to pass this bill, and by this means to remove (praised be God), I cannot say this accursed, (but, I confess), this unfortunate thing, forth of the way towards that blessed agreement, which God, I trust, shall ever establish between you and your subjects. “Sir, my consent shall more acquit you herein to God, than all the world can do besides ; to a willing man there is no injury done ; and as, by God’s grace, I forgive all the world with a calmness and meekness of infinite contentment to my dislodging soul, so, sir, to you I can give the life of this world, with all the cheerfulness imaginable, in the just acknowledgment of your exceeding favours ; and only beg, that in your goodness you would vouchsafe to cast your gracious regard upon my poor son and his three sisters, less or more, and no otherwise than as their (in present) unfortunate father may hereafter appear more or less guilty of this death.”

Another prince, under the same circumstances, would have staked his crown and life rather than accept such a sacrifice. The offer should have decided him,

* The following letter was written to him in his captivity by Charles : —

“Strafford, — The misfortune that is fallen upon you by the strange mistaking and conjuncture of these times, being such that I must lay by the thought of employing you hereafter in my affairs ; yet I cannot satisfy myself in honour or conscience, without assuring you (now in the midst of your troubles) that upon the word of a king you shall not suffer in life, honour, or fortune. This is but justice, and therefore a very mean reward from a master to so faithful and able a servant, as you have showed yourself to be ; yet it is as much as I conceive the present times will permit, though none shall hinder me from being your *constant and faithful friend*.”

† Rush. viii. 743.

at all hazards, not to put his hand to the death-warrant of him who made it. But Charles was selfish and ungenerous, and kings regard their subjects as existing only for their use.

Charles, after signing the fatal commission, made one effort more. He addressed to the lords a letter, in his own hand, and charged the prince of Wales to present it.* “I did yesterday,” says he, “satisfy the justice of the kingdom, by passing the bill of attainder against the earl of Strafford; but mercy being as inherent and inseparable to a king as justice, I desire at this time, in some measure, to show that likewise, by suffering that unfortunate man to fulfil the natural course of his life in a close imprisonment. Yet so, if ever he make the least offer to escape, or offer directly or indirectly to meddle in any sort of public business, especially with me, either by message or letter, it shall cost him his life without further process. This, if it may be done *without the discontentment of my people*, will be an unspeakable contentment to me. To which end, as in the first place, I by this letter do earnestly desire your approbation, and to endear it more have chose him to carry it, that of all your house is most dear to me: so I desire that by a conference, you will endeavour to give the house of commons contentment; assuring you that the exercise of mercy is no more pleasing to me, than to see both houses of parliament consent, for my sake, that I should moderate the severity of the law in so important a case. I will not say, that your complying with me in this my intended mercy, shall make me more willing, but certainly ’twill make me more cheerful, in granting your just grievances. But *if* no less than his life can satisfy my people, I must say *fiat justitia*. Thus again, recommending the consideration of my intention to you, I rest.” The following was added as a postscript:—“If he must die, it were charity to reprove him until Saturday.”

* Rush. viii. 757, 758.

The lords having heard the letter twice read, and "after," says Rushworth, "serious and sad consideration," informed him, by a deputation of twelve peers, that neither of his requests could be safely complied with. He rejoined, by calling their attention to the mean refuge of the conditional "if," which pervaded his letter; declared that his postscript was dictated by a charitable desire to procure Strafford a few days' respite to settle his affairs, which were deranged; and desired that his letter, which the lords were charged to return him, should be entered on their journals.

Charles informed Strafford, through secretary Carlton, that he had signed the commission, with his reasons, of which the chief was, the earl's letter of release and entreaty. The unhappy prisoner was astonished; asked the secretary whether he was not mistaken; and, upon being assured of the fact, placed his hand on his heart, with his eyes raised, exclaiming, "Put not your trust in princes, nor in the sons of men, for in them there is no salvation."* It is obvious that Strafford wrote his letter with the hope of its being employed, by the king, among the means of saving him; and never contemplated the possibility of its being used by Charles as a refuge from his conscience and his fears.

On the 9th of May the royal assent was given, by commission, to the triennial bill, and to the bill of attainder against the earl of Strafford; and on the morning of the 12th, Strafford, attended by primate Usher, his brother, sir George Wentworth, and other friends, was conveyed from the Tower to the scaffold on Tower-hill. A message from him to his fellow prisoner, Laud, requested the archbishop's last blessing, and farewell from his window, by which the earl was to pass. The unhappy prelate appeared at his window, strove to utter a prayer, and fell back inanimate on the floor. Strafford went on foot to the scaffold. Upon its being proposed to him by the lieutenant to go in a

* Whit. Mem. 46.

carriage, "lest he should be torn in pieces by the mob," he replied, "I die to please the people, and will die in their own way." * He addressed the spectators at some length, holding in his hand memoranda, which were found on the scaffold. † Having solemnly declared the innocence of his intentions, he proceeded to say ‡: — "One thing I desire to be heard in, and do hope that for Christian charity's sake I shall be believed. I was so far from being against parliaments, that I did always think parliaments in England to be the happy constitution of the kingdom and nation, and the best means, under God, to make the king and his people happy." After addressing his brother respecting his family, in a strain of domestic affection the most moving, he laid his head upon the block with the same courage and tranquillity which had hitherto marked his demeanour, and thus died in the forty-ninth year of his age.

There is not in the whole range of English history a personage more truly historic than Strafford; there is not in the same range a topic which divides or distracts the judgment of the reader of history in the same degree as his death. His character and actions exhibit the mingled grandeur and criminality of the passions, — the heroic pride and fearless energy resulting at once from temperament and intellectual power — which constitute tragic interest, and move pity and admiration. Like all or most men of the first order of minds, he would execute the inspirations of his genius by the force of his will, and crush instead of capitulating with every resisting agent in his course. He committed injustice, but was not cruel. His heart

* Horace Walpole (Cat. of Royal and Noble Authors) rejects this saying, as false on the face of it, but others have considered it perfectly according with his situation and character. The following somewhat different version is given by Carte:—"Sir W. Balfour desired him to take coach at the Tower-gate, lest the enraged mob should tear him in pieces. 'No,' said he, 'Mr. lieutenant, I dare look death in the face, and the people too; have you a care I do not escape; 't is equal to me how I die, whether by the stroke of the executioner, or by the madness and fury of the people, if that may give them better content.'"

†. Rush. Trial of Strafford, 761.

‡ Ibid. viii. 759.

overflowed with the domestic affections, and he possessed and returned the devoted attachment of his friends. The impetuosity of his temper made him use inconsiderate and exaggerated expressions, which did wrong to his humanity. In his indignation at projectors, "he wished them hanged*:" he says in a private letter to Laud, that "hanging would have been a good paracelsian cure for the liberty of speech taken by such men as Chaloner and Prynne †," and he talked of proceeding by martial law against turbulent petitioners; — but his actions are free from the stain of human blood.

In Ireland he procured an unjust sentence in revenge for a personal insult, but the offender was among the most worthless of mankind, and the sentence was not executed upon him. He imprisoned an Irish chancellor, in order to extort from him a more liberal settlement upon his own son, with the aggravation — or the excuse — of yielding to the influence and beauty of the son's wife; but both offences indicate not so much the cruelty of the tyrant as the infirmity of the man. He called Ireland a conquered country, in which, as the king's lieutenant, he had absolute power; but his despotism was enlightened and equitable. He increased the revenue of Ireland by prosperity, not exaction. The value of land and the exports of the country doubled under his administration. It is true, he was charged with oppression and exaction by individuals, and doubtless in some instances with justice; but the charges brought against him by the crouching sycophants of the Irish parliament, who turned upon him in his distress, are either false or exaggerated, and the imputations of pecuniary malversation are wholly groundless. The pressure of his government in Ireland was not that which exhausts, but the vigorous and well-directed pressure which produces consolidation and strength. Strafford would have been the greatest and the best of ministers under an acknowledged

* Strafford Papers, ii. 77.

† Ibid. 119.

despotism and a weak prince ; he was the most unsuitable and dangerous in a limited monarchy. Accident made him a courtier, but nature seems to have designed him for a demagogue. It is impossible to contemplate his early career and speeches without perceiving something in him which sympathised with the popular fibre : it is impossible to peruse on the canvass of Vandyke the stern simplicity of his features, without imagining in him one whom nature formed to rebuke tyranny and be the tribune of the people. Like all men whose minds are stamped with decision and energy, he could observe no mean. When he ceased to be a demagogue he became a satrap. Had he lived and acted with the patriot leaders, he would have been a regicide.

The persuasive force and brilliancy of his eloquence*, the unlaboured correctness and freedom of his style, the redundancy of his ideas, and the variety of his accomplishments, are evinced in the remains of his speeches, and in his invaluable correspondence. His political capacity received the most decisive and the highest homage that could be rendered, — in the fact that such men as Pym, St. John, and Hampden judged his existence inconsistent with the liberty of his country.

This bears upon the justification of his death, and is the true point on which that question turns.

It is not known with certainty, on what articles he was adjudged a traitor by the peers. According to Whitelock, a good authority in the absence of the journals, they were the fifteenth, for levying money by force in Ireland, in a warlike manner, and the nineteenth, for imposing an oath upon the subjects in Ireland. This oath was in substance one of fidelity to the king, as between him and the covenanters, imposed upon the Scotch residents. To call the imposition of it compassing the death of the king under the 25 Edw. III., would be monstrous. Admitting the fact, of which the proof was questionable, that he quartered a serjeant and four

* His very enemies confessed, " that he was one of the greatest masters of persuasion that age or any other produced."

soldiers upon a man who refused payment in compliance with his order, it would be no less monstrous to call it levying war against the king. It requires but a slight knowledge of Anglo-Irish government to see, that if such acts were punished as treason, his majesty's realm of Ireland would be depopulated, not only of public servants from the highest to the lowest, but of zealous protestants. The twenty-third article, supported by the minute and the testimony of Vane, is said to have been one of those upon which he was declared guilty. It is certain that he advised* and undertook the bringing over the Irish army to oppose the covenanters; and with his arbitrary, impetuous temper, it is probable that he threw out as a suggestion in the privy council the same means of subduing the popular and puritan opposition in England; but words, however guilty in themselves, cursorily spoken, without the shadow of an overt act, could not be construed into treason without an inroad upon the legal guarantees of the subject's estate and life, as flagrant as those of Charles upon the petition of rights — of James and Elizabeth upon the 25th Edward III.† A numerous array of criminal acts, of which no one amounted strictly to high treason, was marshalled against him; but no accumulation of misdemeanors, however combined and systematic, can amount to high treason.

The execution of Strafford, and the justification of its authors, are to be judged under another, a larger, and a grander view. The house of commons, as a preliminary to the attainder, passed a vote, "that the earl of Strafford had endeavoured to subvert the ancient and fundamental laws of the realm, and to introduce arbitrary and tyrannical government." Of the fact, there cannot be a

* See Minutes of the Council of Peers at York. Hard. State Papers, ii.

† Mr. Hallam refers to the vagueness of the crime of treason, "according to the apprehension of that age," when "neither the people nor the lawyers annexed any definite sense to that crime." Const. Hist. ii. 146. This may be true of "the people," but is inadmissible as a plea for the lawyers and judges. The ancient laws, and especially the 25 Edw. III., were construed as strictly in favour of the subject in the discussions of that day, as at the present time. The vindication of Pym and St. John rests on other ground.

doubt. The champions of the public liberty in that house, considering the faithless character of the king, the ambition, courage, and capacity of Strafford, looked upon the fabric of public liberty as insecure whilst he breathed, whether an exile or a captive. The impeachment of Strafford was one of those master-strokes in the science of revolution which manifest the great leader, like certain master-strokes in that of war. If they abandoned the process of impeachment, and adopted the retroactive one of attainder, it was from a profoundly sagacious care of the freedom of their country. They adopted, in extraordinary circumstances, a sort of capital ostracism, which saved the republic, without invading the securities of the regular jurisprudence. Hence the famous and wise proviso, that the attainder should not be acted upon by the judges * as a precedent in determining the crime of treason.

There is one authority against the attainder of Strafford, before which it is impossible not to bow with doubt and deference, — that of Mr. Fox † ; but on the other side are the profound sagacity of Pym and St. John, and the stainless virtue of Hampden. In fine, no one, however disposed to regard liberty and the public cause as paramount, — who has paused upon the high crimes and still higher qualities of Strafford, — will pronounce without reluctance and a revulsion of feeling for the shedding of his blood.

Upon one point only opinion has been undivided — the conduct of Charles. His sacrifice of Strafford amazed and disgusted Europe, covered him with the contempt of foreign princes, embittered his remaining life, and, in the general opinion, was the cause of his melancholy death.

The contest between Charles and the parliament

* It is asserted by Mr. Hallam (ut supra), that it was introduced to quiet the apprehension of some peers, who had gone great lengths in obeying the crown ; but there was nothing in it to quiet them. It restrained judicial construction only, and left the precedent of attainder untouched.

† Hist. Frag. 10, 11.

rushed on to a crisis upon the death of Strafford. The minions of the king's tyranny now trembled to advise him. They were succeeded by friends of the popular cause. Lords Say, Hertford, Holland, Essex, and Leicester, were appointed to the offices of master of the wards, governor of the prince of Wales, commander in chief of the army, lord chamberlain, and chief governor of Ireland. Had the king frankly confided in these ministers of the nation's choice, he might have saved his life and the monarchy. He merely endured and deceived them until his time of throwing them aside should come.*

The parliament, meanwhile, abated nothing of its vigour and vigilance. Especial measures were taken for the security of Portsmouth, and the queen was entreated, or in effect commanded, not to persist in her intention of proceeding thither.† Her confessor and several other catholic attendants were dismissed; and her mother, Mary of Medicis, who had sought shelter in England from the power and persecutions of Richelieu, was requested, for the sake of public quiet, to leave the kingdom.‡ Vexations and wounded pride impaired the health of Henrietta, and she expressed her wish to take the waters of Spa.§ It was suspected

* Louis XVI. played the same game exactly, with an exact similarity of result.

† Rush. iv. 252. 260.

‡ Lilly (Observations on the Life and Death of King Charles) gives the following account of her departure:—“And though I do not attribute these casualties and losses of the cities to be derived or caused from the eclipse of 1639, although the eclipse was in II, which sign is the ascendant of London, yet certainly that eclipse did, in a natural way, threaten or portend much damage unto them, and did manifest the casualties, but was not the cause. In the same month of August, 1641, I beheld the old *queen mother of France* departing from London in company of *Thomas* earl of *Arundel*. A sad spectacle of mortality it was, and produced tears from mine eyes, and many other beholders, to see an aged, lean, decrepit, poor *queen*, ready for her grave, necessitated to depart hence, having no place of residence in this world left her, but where the courtesy of her hard fortune assigned it. She had been the only stately and magnificent woman of *Europe*, wife to the greatest king that ever lived in *France*, mother unto one king, and unto two queens.”

§ There are in the notes to the 3d volume of M. Mazure's “Hist. de la Rev. de 1688,” some interesting extracts from the French despatches relative to the transactions of this period in England. Montereuil, the successor of Bellièvre, writes on the authority of the earl of Holland, who mentioned it as a matter of complaint, that Henrietta urged the king to save Strafford. This disposes of Burnet's accusation about the postscript to the king's letter. It appears from the letters of Montereuil that she was

that the real purpose of her journey was to procure the king foreign aid against the parliament, and she yielded,

eager to go to France (and not to Spa) in the hopes of obtaining from her brother aid against the parliament. M. Mazure gives the following letter addressed by her to the French minister Chavigny:—

“ Monsieur de Chavigny, ayant envoyé Foster a mon cousin le cardinal de Richelieu pour luy faire entendre lestat present ou je suis et luy demander son assistance: jay cru que mayant tesmyogne toujours beaucoup defection comme vous aves fait en tout ce qui me concerne que maintenant vous massisteries dans une affaire ou il y va de ma ruine entiere ou de mon bien car comme les affaires vont maintenant ysy je natans que lun quasy san ressource et lautre je lespere par lassistance du roy mon frere: je ne vous ay pas escrit quant Foster est alle car jay me suis misse entierement a suivre les ordres que mon dit cousin ordenneroit quoyque jusse ordonné Foster de desirer de luy que vous peussiez estre de sette affaire: vous ayant toujours reconnu sy prompt a mobliger que jay cru que dans cette affaire vous ne me refuserais pas Vre assistance et que vous garderiez le secret qui est très necessaire. Je vous pres donc de la faire et de croyre que je suis sy recognoysante de soings que vous maves desja temoignes de Vre affection que je chercheray les moyens de vous faire paroistre que je suis.

“ Vre bien bonne amie,

“ HENRIETTE DE FRANCE.”

It is observed by Mr. Hallam, that the French historian has had the *malice* to print the above letter literally. *Malice*, probably, did not enter his mind. The French letters of courtiers, male and female, and even ministers of state, were all as ill spelt; and there are even some letters of Charles I. which commit nearly as great havoc upon English orthography.

Holland was at this time engaged in a secret correspondence with Richelieu, and urged strongly that the queen should be prohibited from going to France. Richelieu accordingly refuses her permission in the following terms:—

“ Fault dire à Forster et mander à Montereuil que le Roy ne recevrait pas seulement la Reyne sa sœur en France, au cas que sa santé l'obligeast à y faire voyage, mais qu'il seroit bien fasché qu'elle n'y vinst pas.

“ Mais que comme l'affection que S. M. a pour la Reyne de la G. B. luy donne ses sentiments, la part qu'Elle prend à ses intérêts fait qu'Elle ne peut ne luy dire pas qu'il faut bien qu'Elle se donne garde de venir mal à propos en France, dans la conjoncture des affaires présentes;

“ Qu'en telles occasions qui quitte la partie a perd;

“ Que sa sortie d'Angleterre tirera indubitablement après Elle la ruine des Catholiques, et peut-estre la sienne propre pour tousjours, et celle du Roy son mary et de ses enfants;

“ Que dans de si grands changements, comme sont ceux qui sont en Angleterre, il faut craindre qu'on passe aux dernières extrémités, incapables par après de tous remèdes.”

The queen, upon this refusal, was instantly cured of her consumption. “ La rayne,” says Montereuil, “ advoue qu'ell commence a se meux porter de jour en jour, et qu'elle n'apprehende presque plus cette consommation qui estoit ou la cause ou le pretexte de son voyage.” Her indignation was such, that she talked of nothing less than avenging herself by going over to make the conquest of France as an appanage to her husband's crown.

“ La Royne de la Grande Bretagne ne cache plus à ses domestiques le ressentiment qu'Elle a de la responce qu'Elle a receue de France, jusques à dire qu'Elle ne voudroit pas racheter sa vie par un voyage en ses quartiers, si Elle n'y alloit pour reprendre les prétentions que les Roys d'Angleterre croient avoir sur cet Estas.”

She still persisted in her purpose of leaving England openly or secretly, and was induced to change her mind only by Goring's discovery of the army plot. “ On s'abstientici,” says M. Mazure, “ de dire ce que rapporte M. de Montereuil.” All he says is, that according to Montereuil, “ her

apparently with a good grace, to the request of the parliament that she would not leave the kingdom.* The commons brought in a bill granting the king the tonnage and poundage duty for two months, until a new book of rates should be prepared. The preamble renounced the king's long disputed right, the bill passed both houses with little notice, and the king gave his assent to it in a speech of hollow conciliation. They voted at the same time a supply of six subsidies and a poll tax †, with a view to final pacification with the Scots, and the disbanding of both the Scotch and the English armies. There was no impatience, however, to dismiss the brethren of the covenant, and the bill proceeded slowly.

Meanwhile bills passed both houses for abolishing the courts of high commission and star-chamber, and these together with the poll-money bill were tendered for his royal assent to the king. He readily gave his assent to the last, but refused it to the two first. His reluctance to deprive himself of those terrible engines of temporal and spiritual tyranny was natural, but his resistance as usual only proved that his will was alike impotent and incorrigible. This refusal to abolish two tribunals so odious excited murmurs in the city ‡, and the house of commons took up the matter after an interval of three days. The king was advised or alarmed into compliance: whilst the question was under debate with closed doors, the usher of the black rod demanded admittance, and summoned the house of commons to the house of lords, in order to hear the royal assent given by the king in person to both bills. He rebuked their distrust at his merely taking time, as he said, for consideration; he recapitulated his various concessions with

flight would have compromised her reputation;” in allusion probably to her relations at this period with Jermyn. Holland complained bitterly to Montereuil that Jermyn and Montague had supplanted him in her favour.

* Rush. iv. 349, 350.

† The following was the rate of the poll tax (Seld. Tracts, 23.):—“Every duke was assessed at 100*l.*, a marquis at 80*l.*, earls at 60*l.*, viscounts and barons at 40*l.*, knights of the bath at 30*l.*, other knights at 20*l.*, esquires at 10*l.*; men of 100*l.* *per annum* at 5*l.*, every common head at six pence.”

‡ May, Causes and Beginnings of the Civil War, 31.

an equal want of prudence and success,—for it could not be forgotten that they were extorted from him,—and he had the indelicacy or inhumanity to reckon among their obligations* to him, his consent to the execution of Strafford.

There was doubtless at this period a republican party, or at least a republican spirit, in the house of commons ; but no step was taken, no wish was avowed, to revolutionise the state from monarchical to republican. The design to revolutionise the church from episcopal to presbyterian was avowed and begun. In this design it cannot be fairly denied, that sectarian intolerance had the largest share. It actuated the Scotch covenanters to a man, and the great majority or mass of the English presbyterians. But there is something in religious bigotry which it is not easy, and perhaps not possible, to reconcile with political capacity of the first order. Richelieu, a cardinal, was a despot (not a bigot) minister, seeking to crush the Huguenots as a party, not persecuting them as a sect. Bigotry could not have been the actuating principle of the founders of the English commonwealth. They saw protestant episcopacy conspiring with the royal prerogative against the public liberties, and endeavouring to grasp the same spiritual dominion which was possessed by the papacy over the public mind : they resolved to unmanacle both the mind and body of the nation from a power hostile to freedom ; and well knowing that the religion of the people is the basis of its moral character and public spirit, they thought it necessary to place the national church in unison with the new organisation of the national liberties. Perhaps they carried too far their proscription of social festivities, and some of the graces and accomplishments, as well as the luxuries, of civilisation — especially the literature of the stage and the other enchantments of the fine arts ; but it was an age of earnestness and enthusiasm ; and there was something virtuous and grand, though harsh and gloomy, in the

* Rush. iv. 307, 308.

design to recast and spartanise, if it may be so called, the religious morals of the people.

The first undisguised and serious attack upon prelacy was the "root and branch" petition, already mentioned, of the city of London. It lay dormant for about two months. Meanwhile several ministers of the church of England, so calling themselves, presented a petition and remonstrance against alleged irregularities in the government and discipline of the church.* A petition from the county of Kent complained of the "lordly power" of bishops. Some remarkable speeches to which the subject gave rise about the middle of February have been preserved. It is observable that the advocates of prelacy admitted and stigmatised some gross abuses.† "If I thought," says lord Digby, "there were no further design in the desires of some, that this *London* petition should be committed, than merely make use of it as an *index of grievances*, I should wink at the faults of it, and not much oppose it. . . . There is no man within these walls more sensible of the heavy grievance of church government than myself, nor whose affections are keener to the clipping of these wings of the prelates, whereby they have mounted to such insolencies; nor whose zeal is more ardent to the searing them so, as they may never spring again." He however condemned the petition as a suggestion of the Scots.‡ "I profess, I looked upon it then with terror, as upon a comet or blazing star raised and kindled out of the stench, out of the poisonous exhalations of a

* On this occasion the following encounter, worthy of the ancient sophists, took place, between Selden and sir Harbottle Grimstone; Grimstone arguing thus: "That *bishops* are *jure divino*, is a question. That *archbishops* are not *jure divino*, is out of the question. Now that *bishops* which are questioned whether *jure divino*, or *archbishops* which out of question are not *jure divino*, should suspend ministers that are *jure divino*, I leave it to you to be considered." To which Selden answered, "That the convocation is *jure divino* is a question; that *parliaments* are not *jure divino* is out of the question. That *religion* is *jure divino* there is no question. Now, sir, that the convocation, which is questionable whether *jure divino*, and *parliaments*, which out of question are not *jure divino*, should meddle with religion, which questionless is *jure divino*, I leave to your consideration."

† Rush. iv. 180.

‡ Ibid. 171.

corrupted hierarchy: methought the comet had a terrible tail with it, sir, and pointed to the *north*; the same fears dwell with me still concerning it (and I beseech God they may not prove prophetic); I fear all the prudence, all the forecast, all the virtue of this house, how unitedly soever collected, how vigorously soever applied, will have a hard work of it yet to hinder this meteor from causing such distempers and combustions by its influence as it then portended by its appearance. . . . Contemptible things, sir, swarm in the 8th, 13th, 14th, 15th, 16th, 17th articles of this petition. Did ever any body think that the gaieties of *Ovid* or *Tom Coryat's Muse* should by 15,000 persons have been presented to a parliament as a motive for the extirpation of bishops? The scandal of the rochet, the lawn sleeves, the four corner cap, the cope, the surplice, the tippet, the hood, the canonical coat, &c. may pass with arguments of the same weight; only thus much let me observe upon it (Mr. Speaker), that one would swear the penners of the article had the pluming of some bishops already, they are so acquainted with every feather of them. In a word, I know not whether it be more preposterous to infer the extirpation of bishops from such weak arguments, or to attribute as they do to church government all the civil grievances. Not a patent, not a monopoly, not the price of a commodity raised, but these men make bishops the cause of it." *

The great lord Falkland, as he has been called, whilst defending prelacy, was still more frank in admitting the sins of the bishops. "He," says he †, "is a great stranger in Israel who knows not this kingdom hath long laboured under many and great oppressions, both in religion and liberty; and his acquaintance here is not great, or his ingenuity less, who doth not both know and acknowledge, that a great if not a principal cause of both these have been some bishops,

* Lord Digby was expelled this house about this period for his speech against the army plot, and was immediately raised to the peerage.

† Rush. iv. 184.

and their adherents." Alluding to their imputed inclination to popery, he says *, " Mr. Speaker, to go yet further, some of them have so industriously laboured to deduce themselves from Rome that they have given great suspicion, that in gratitude they desire to *return* thither, or at least to meet it half-way. Some have evidently laboured to bring in an English though not a Roman popery. I mean not only the *outside* and *dress* of it, but, equally absolute, a blind dependence of the people upon the clergy, and of the clergy upon themselves ; and have opposed the papacy beyond the *seas*, that they might settle *one beyond the water*." The following are the ideas of church reform thrown out by one memorable for his attachment to the church and to the king † : — " I am content to take away all those things from them which to any considerable degree of probability may again beget the like mischiefs if they be not taken away. If their temporal title, power, and employment appear likely to distract them from the care of, or make them look down with contempt upon, their spiritual duty, and the too great distance between them and those they govern will hinder the free and fit recourse of their inferiors to them, and occasion insolence from them to their inferiors, let that be considered and cared for. I am sure neither their *lordships*, their judging of *tythes*, *wills*, and *marriages*, so not their *voices in parliaments*, are *jure divino* ; and I am sure that these titles and this power are not necessary to their authority, as appears by the little they have had with us by them, and the much that others have had without them. . . . If their revenue shall appear likely to produce the same effects, for it hath been anciently observed, that *Religio peperit divitias et filia devoravit matrem* ; let so much of that as was in all probability intended for an attendant upon their temporal dignities, wait upon them out of the doors. Let us only take care to leave them such proportions as may serve in some

* Rush. iv. 185.

† Ibid.

good degree to the dignity of learning and the encouragement of students." Fiennes, Bagshaw, and Grimstone supported the petition; but "the root and branch men," so denominated, were as yet a minority of the house. The committee on the petition was however continued and reinforced with many others,—Fiennes, Holles, and the younger Vane, — and petitions were abundantly supplied for the consideration of another standing committee, called "The committee for scandalous ministers."* The trial of Strafford had intervened, and diverted the attention of the commons from the church. In the beginning of June the subject was revived, a vote passed the commons that the bishops should not sit in parliament, and the grounds of their vote made known to the lords in a conference.† The lords resolved, in opposition to the commons, that the bishops should retain their seats and votes in parliament.

This is the first sign of division between the houses. The majority of the lords had no affection for the prelates, and would willingly exclude them, if the vote of the commons were not viewed by them as a step to degrade and subjugate their house. The commons however did not rest here; they transformed their resolution into a bill. It proposed to disable the bishops and clergy for all temporal functions, whether as peers, privy counsellors, judges, or justices of peace. The lords, having passed the bill through its first and second reading, amended it in committee by restoring the bishops' votes, and after two conferences with the commons, threw it out altogether. They declared the bill an invasion of their rights; and said the commons might with equal reason cut off the barons or any other class of the peerage.

The decision of the lords produced a memorable effect. "A root and branch" bill for the extir-

* Rush. iv. 187. It should be stated, that the instances produced of real scandal were very few; those of frivolous scandal, many.

† Rush. iv. 281.

pation of prelacy was brought into the house of commons. It was drawn by St. John, his majesty's solicitor-general, and introduced by sir Edward Deering *; and provided in substance for "abolishing archbishops, deans, archdeacons, and their officers out of the church of England." Near three weeks were employed by the commons upon the several provisions of the bill, and the new form of church government to be substituted for prelacy.† It was however for the present laid aside, either from the pressure of matters more urgent, or because its supporters despaired of a majority.‡ The bishops, at the same time, were not unmolested in their seats; thirteen prelates, who had been most active in framing the new canons, were impeached by the commons about the beginning of August. Two objects were gained by the impeachment: the court party in the house of lords was weakened, and a new wound given to prelacy.

The king, about the beginning of June, hastened the pacification § with the Scots, and declared his purpose of visiting his native kingdom. This journey was by no means pleasing to the commons or the covenanters: they suspected or had discovered an intrigue, and suggested various reasons against it. Charles was not only deaf to their counsels, but to their suggestions, which touched him more nearly. Williams, bishop of Lincoln, whose natural sagacity was sharpened by a life of intrigue, and who was now in favour with the king, advised him to beware of the Scots, who would immediately discover to the parliament any overtures he made them, and told him his proper place was near parliament, in order to watch its movements, and corrupt its members.

The pacification was concluded; the English army

* Mr. Godwin (see *History of the Commonwealth*, i. 60.) has exposed with just severity the misrepresentations of Clarendon respecting this bill.

† It was at this period that primate Usher offered his plan of church government by synodical episcopacy.—See *Neal*, ii. 355.

‡ Clarendon, i. 484.

§ For the terms see *Rush*. iv.

was disbanded; the covenanters, says Whitelock, "with store of English money* and spoils, and the best entertainment, left their warm and plentiful quarters" to cross the border; and the king having appointed commissioners for giving the royal assent to bills in his absence, and made the earl of Essex general of all the forces on this side of the Trent, left London on the 10th of August, dined with Lesley at the head-quarters of the covenanters on his way, and was received at Edinburgh with manifestations of pleasure on his part, and rejoicing on that of the ambitious politicians of the covenant, — worth notice only for their mutual perfidy. The two houses sat only a month, transacted no business of importance after the departure of the king, and having respectively appointed committees to sit and act during the recess, adjourned over from the 9th of September to the 20th of October.

This famous parliament had now sat eleven months. In that time ship-money was condemned; the triennial bill was passed; tonnage and poundage was declared dependant upon grant by the commons; the star chamber and high commission courts were abolished; the minor grievances of knighthood, the court of York, the stannary court, were redressed; evil counsellors, profligate judges, arrogant bishops, and sycophant churchmen were made to tremble at the justice and the power of a nation outraged in its liberties. An Englishman who can contemplate those achievements without emotion, does not know how to appreciate all that is virtuous and noble in patriotism, and great in character, and is ignorant of the true authors of the freedom which he enjoys. The revolution of 1688, and its declaration of rights, dwindle into a petty transaction, when compared with this single session of the Long Parliament.

* The earl of Bristol stated in a conference of the house, that the pacification with the covenanters lost England eleven hundred thousand pounds, besides damages. — *Rush.* iv. 360.

The Pym and Hampdens assaulted, stormed, and dismantled the fortress of despotism. The Danbys, Devonshires, Halifaxes, and Shrewsburys had but an easy and secondary conquest to achieve, and they achieved it imperfectly by disreputable means. Their names, indeed, are scarcely known among the vanquishers of tyranny, and the liberators of nations; whilst the men of the Long Parliament and the commonwealth are named in association with the founders and heroes of Roman liberty, and those who rescued Athens from the thirty tyrants and the Pisistratidæ.

The king, it may be said, gave his assent to their great reforms, and had his share in their merit. Unhappily, his concessions to this parliament are more than ordinarily marked with his systematic perfidy. They were not even extorted from his weakness, but made by him with the secret purpose of violating or retracting them. It was this mental reservation that made him yield easily, though with a bad grace, in every instance except that of Strafford. He struggled and writhed to escape assenting to the bill of attainder, because he could not afterwards, however absolutely possessed of despotic power, recall his minister from the dead.

Too much of the success of the popular leaders has been assigned to the invasion and presence of the covenanters. It would be a great wrong to the parliament, the nation, and the patriot chiefs, to suppose that they would not have achieved the conquest of their rights, though the Scots had never crossed the border. No tyranny, and least of all the vulgar mixture of priestcraft and prerogative which constituted the tyranny of Charles I., could resist superior intellect, force of character, a great principle, and a people resolved and worthy to be free. The Scots, however, were powerful auxiliaries, and Charles formed the scheme of enlisting them on his side. It is stated, without express proof, but upon strong grounds of circumstance, that he endeavoured to bribe Lesley and other chiefs of the army of the covenant, offering them crown jewels, to be afterwards redeemed.

On his way to Scotland *, and shortly after his arrival in Edinburgh, a strong suspicion, if not a strong light, is thrown upon his conduct by what is commonly called in history "The Incident." This mystery has been much canvassed, but never fully revealed. It will suffice to state the known facts, and in mere outline.

Montrose, it will be recollected, during the treaty at Ripon, made a secret offer of his services by letter to the king. This letter, like many others, was purloined from the king's pocket or portfolio, and conveyed to the covenanters. No step, however, was taken upon it until the pacification with England was concluded. Montrose returned to Scotland for the purpose of intriguing secretly, and had already procured the signatures of about twenty of his leading countrymen to a counter-covenant, before he wrote his letter to Charles. This too was discovered by the covenanters, and Montrose, a short time before the king's arrival, was arrested with his accomplices on a charge of treasonable conspiracy. Hamilton was suspected, if not secretly accused, of the treacherous communication of the king's letters, and a charge of conspiracy to depose the king was brought against the marquis, his brother Lanerick, and Argyle.

The charge, however, was abandoned as untenable, and the accusing witness, named Stuart, a mere tool in the intrigue, was used as such: he was left by Montrose and the king to the mercy of the accused nobles, who convicted him of what the Scotch law called "leasing making," and brought him to the scaffold.

Montrose, with his ambition, sanguine temper, and activity, continued even in prison to intrigue, particularly against Hamilton, and generally against the covenant. Now comes the incident. Charles, on a particular day, summoned Hamilton, Lanerick, and Argyle to attend his court. They not only absented themselves, but retired from Edinburgh with chosen followers, and put their houses in a state of defence.

A rumour was spread of a design at court against

* May, Causes and Beginnings, &c. 32, 33.

their lives, and the king, expressing his indignation, real or affected, insisted upon an investigation to clear his honour. A secret committee of the Scotch parliament reported that the three noblemen were justified, under the circumstances, in their conduct, but exculpated the king.

The secret projects of Montrose and Charles have not been brought to light. Montrose, according to Clarendon, advised and "frankly" undertook the assassination of the two Hamiltons and Argyle. In this there is nothing beyond the range of probability. It was the spirit of the age, at least among nobles in the courts of kings. Vitry, assassinated the ill-fated D'Ancre, and was rewarded by Louis XIII. with the rank of marshal of France. Charles, it is said, more humane than Louis, rejected assassination with abhorrence, yet entered into a plot for inviting the three lords, as already stated, to court, seizing their persons, and conveying them on board a frigate stationed in Leith harbour for that purpose, with the understanding that, upon any attempt at rescue or resistance, they should be despatched. Information was conveyed to the destined victims, and they took the measures before mentioned for their safety.

The schemes concocted between Montrose and Charles are supposed to have embraced the three kingdoms. Edinburgh was to be attacked, Montrose liberated, and the covenant to be placed under the king's feet, by a concerted rising throughout Scotland. Upon the first intelligence from Edinburgh received by the committees of both houses, they, upon suspicion or particular information, denounced again a branch conspiracy in London, and occupied all the military posts of the city with a strong guard. It may be safely assumed that every scheme and every thought of Charles bore remotely or proximately upon England and the parliament.

The evidence of circumstances in Ireland against the king, is more striking, and has been more can-

vassed. At this precise period broke out what is called the Irish rebellion and massacre. To give a fair statement, supported by authority and fact, is beyond the compass and beside the purpose of these pages.* There was, assuredly, enough of barbarism and atrocity to make human nature shudder, without the prejudiced exaggerations which have changed the fierce and horrible excesses of an uncivilised people into massacre plotted and executed in cold blood, and proved their own want of all title to confidence by varying from 10,000, and even 5000, to 200,000 victims. Suffice it to say, that a person called sir Phelim O'Neil, of the family of the famous rebel earl of Tyrone, at the head of a mere rabble, without military organisation or rational design, produced the warrant of a commission from the king, dated from Edinburgh, and bearing the great seal of Scotland; was joined by other chieftains, as O'Moor, Macguire, and Mac Mahon; committed dreadful ravages upon the properties and persons of the protestant English settlers, was defeated and executed as a traitor.

The crimes of O'Neil and his followers were not only the natural result of social barbarism, religious fanaticism, and servile debasement, but the natural recoil of its own wickedness upon a proconsular government, the most atrocious and wicked in its very principle ever endured by the eye of God and the patience of man.† There

* It may be left with propriety, in every sense, to the patriot pen of the accomplished person who has already commenced the history of Ireland, in the series of works to which these volumes belong.

† Raynal, in his "Histoire Philosophique," has put this recoil of slavery upon its authors with terrible truth and energy. He is speaking of negro slavery, but it applies to every other.

"Dira-t-on que celui qui veut me rendre esclave n'est point coupable, qu'il use de ses droits?—Où sont-ils ces droits? Qui leur a donné un caractère assez sacré pour faire taire les miens? Je tiens de la nature le droit de me défendre; elle ne t'a donc pas donné celui de m'attaquer. Que si tu te crois autorisé à m'opprimer, parce que tu es plus fort et plus adroit que moi; ne te plains donc pas, lorsqu'abattu sous mes pieds, sans secours et sans force, mes bras vigoureux ouvriront ton sein pour y chercher ton cœur; ne te plains donc pas, lorsque dans tes entrailles déchirées, tu sentiras la mort que j'y aurai fait passer avec tes alimens. Je suis plus fort et plus adroit que toi, expie à présent le crime d'avoir eu plus de force et plus d'adresse que moi, lorsque tu as fait de ton égal ton esclave.

is another question more keenly disputed, because personal to the king, Whether the commission and seal produced by O'Neil were genuine or forged? It has been averred by persons entitled to respect, that O'Neil avowed the forgery on the scaffold, though he might, by maintaining the contrary, have purchased his life. But their testimonies were given after the Restoration; and it is not easy to overcome the body of evidence, from which it would appear that the commission to O'Neil, and the Irish rebellion, were parts of the design which Charles had failed to execute in Scotland.

Parliament had reassembled on the 20th of October, to which it stood adjourned. Pym reported the proceedings of the committee during the recess. Upon the news of what is called "the Incident," in Scotland, the houses of parliament were guarded that day and night by the Westminster train-bands*, whilst the military posts in the city were, as already observed, secured by strong military guards.

Fresh instructions were sent to the commissioners of both houses in Scotland.† They expressed in substance the desire of the lords and commons of England, that due care should be taken of the religion, liberty, and peace of Scotland, as closely connected with those blessings in England‡; in fine, the interest taken by both houses in the safety of Argyle, and the two Hamiltons. Several steps were taken at the same time to check the Irish rebellion. For this purpose the commons voted the raising of 200,000*l.*, of which 30,000*l.* was to be borrowed from the city of London. The king at the same time was requested to hasten his return. The impeached bishops were ordered before the recess to put in their answers. On the 13th of November, twelve of the thirteen put in a plea of demurrer, and it was admitted by the lords, greatly to the discontent of the

* Rush. iv. 392.

† Hampden, Stapleton, and Lord Howard had been sent by the parliament to watch the king's proceedings in Scotland.

‡ Rush. 391.

commons. Goodman, bishop of Gloucester, pleaded not guilty. He was a reputed, if not proved, Roman catholic. He doubtless had little share in framing canons, some of which expressly reprobated the dogmas and ceremonials of the church of Rome.

But the great question at this period was the famous remonstrance. On the 22d of November it was presented to the house. Parliament in those days met at eight in the morning. About noon there was a call for the remonstrance. Some would have postponed it "at so late an hour," whilst others insisted on proceeding: among the latter was Oliver Cromwell: he asked lord Falkland why he called for a postponement; was asked in reply whether he did not expect a debate; and rejoined, "A very sorry one." *

Cromwell expected, or only affected to expect, that it would not be seriously opposed. The debate was protracted to twelve o'clock, when the remonstrance was carried by a majority of eleven. A motion that it should be printed was made by Hampden: this encountered a still more vehement resistance; it disclosed the purpose of the popular leaders, not to enlighten the king, but to act upon the nation. Hyde (Clarendon) was among the chief opponents of Hampden. It is worth remarking, that a man who then passed for a constitutional lawyer denied the right of the house of commons to print any thing without the concurrence of the peers †, and claimed for himself the right of protesting against the vote of the majority. Several other members joined clamorously in his "protestation;" but the motion was carried at two in the morning.

The decision was compared to the verdict of a starved jury. ‡ Cromwell meeting lord Falkland after the debate, said, "he should take his sword another time," and is reported to have added in a whisper, "that if the remonstrance had not been carried, he and many

* Clarendon. v.

† Ibid.

‡ (Rush. iv. 428.) Whitelock ascribes the expression to sir B. R., probably sir Benjamin Rudyard.

of his friends would have prepared the next morning to leave England for ever." The authority of Clarendon, and his intimacy with Falkland, are scarcely sufficient to sustain so glaring an improbability. The remonstrance involved nothing decisive, and Cromwell was too resolute and sagacious to be so easily disheartened.

It was a severely elaborate review of the king's misgovernment in church and state, embracing as well the grievances of which the redress had been extorted as those which remained to be redressed. This was the main ground upon which it was opposed,—but independently of the perfect right of the patriots to combine the arts of the politician with the views of the statesman, the nation could not be sufficiently enlightened as to the future, without reference to the past. The remonstrants themselves frankly declared, "that, without a seasonable care to disappoint some councils still entertained, all the good acts which they had obtained were in danger of being lost." The most significant part of it was the allusion to the other house,—that the commons had no hope of settling the distractions of the kingdom, for want of a concurrence with the lords. It was to obtain this concurrence that they strove to exclude the bishops. Palmer, one of the protesters, was sent to the Tower, but soon released, and the separation between the popular party and the constitutional royalists, so called,—that is, the Hyde and Falkland party,—became complete and irreparable.

The king meanwhile was hastening from Scotland. He left nothing undone to gain the covenanters. Hamilton was made a duke by him, Argyle a marquis, Lesley earl of Leven and governor of the castle of Edinburgh. Henderson was appointed to the Chapel Royal, and other ministers of the presbytery received pensions. Charles arrived in London on the 25th of November. The English commissioners returned at the same time, and the Scotch sent commissioners to watch the proceedings between him and the parliament. All were hastening to a crisis.

Charles came back, brooding in secret over his purposed vengeance on the popular leaders. The city of London received him with demonstrations of joy, which surprised and intoxicated him. He took into his council Falkland, Colepepper, and Hyde, the late deserters from the popular cause; the first as secretary, the second as chancellor of the exchequer, the third at first without any ostensible employment.

One of his first acts was to remove the guards, which, since the Incident in Scotland, and the rebellion in Ireland, protected the two houses. The commons demanded a guard which should be under the command of the earl of Essex, and expressed their fears of secret designs against the public peace and liberty. Charles gravely told them that his presence sufficiently protected them.

On the 1st of December, the remonstrance of the commons was presented to him at Hampton Court, with a petition, praying him among other things to remove the bishops from the house of peers, and evil counsellors from his person, and reserve the disposal of the lands of the Irish rebels.* He told them the bishops were entitled to sit and vote in parliament by the laws of the realm, and desired they would expressly name the evil counsellors; and in reference to the lands of the Irish rebels, told them they were selling the bear's skin before they had caught him.†

The commons published the remonstrance, without regard to the king's desire that it should be withheld until he should have given his answer‡; and the king, after merely complaining of this contempt, published a reply to it drawn up by Hyde.

Whilst a bill for raising soldiers by impressment was pending in the house of commons, the king gave fresh offence and alarm by intimating that he should pass it only with an express saving of his prerogative. The commons remonstrated against this violation of the pri-

* For the petition and remonstrance see Rush. iv. 437, &c., and most other collections of state papers of the time.

† Report of the deputation. Parl. Hist. ii. 943.

‡ Whit. Mem. 51.

vilege of parliament, and they were joined in this instance by the lords.*

Every thing in short portended a collision. The king, confiding in the feasts and acclamations with which he was received in the city, deprived Balfour of the lieutenancy of the Tower, and appointed colonel Lunsford, a person of doubtful character, to succeed him. The city joined the commons in petitioning against his appointment, and Charles as usual was forced to yield. He was decided by an intimation from the lord mayor, that if Lunsford were not removed, the apprentices would attack the Tower.

A riotous mob of apprentices and others gathered round the two houses of parliament, and offered insult and violence to several members of the house of peers, but particularly to the bishops; indulged in cries of savage ribaldry against them, and threatened to tear down the organ in Westminster Abbey. Williams, recently made archbishop of York, was among those who suffered violence from the mob: irritated by personal outrage, or influenced by his fresh dignity, he acted with a rashness wholly alien to his character, and fatal for the time to his order.† He, and twelve other prelates at his instigation, addressed to the king a petition signed with their names, in which they declared that they could not attend in their places without peril to their lives, and protested against all proceedings whatever in the house of peers in their absence.

It was a monstrous pretension, thus to suspend the functions of one branch of the legislature. The lords resented it as an invasion of their privileges, and made it known by a message to the house of commons: a conference followed, and the result was, that the bishops were impeached by the commons of high treason. They

* Clarendon says the king's interference was perfidiously suggested to him by St. John; but his assertion may well be doubted.

† Another view has been taken of the conduct of Williams, more akin to his character, — that the protest of the bishops was got up by him, as the first step in the king's secret purpose to revoke and annul all that had been done since the preceding year, on the ground that it was not a free parliament, and that the presence of the lords spiritual was essential.

appeared on the 30th of December as culprits on their knees at the bar of the house to which they belonged, and with the exception of two, who in consideration of their advanced years remained in charge of the usher of the black rod, were committed to the Tower. Clarendon says of them, that they were not traitors but madmen. Thus ominous of confusion was the close of the year 1641. It was plainly, observes Whitelock, and no less truly said, that the whole frame of government was out of order.

CHAP. VII.

1642.

THE KING ATTEMPTS TO SEIZE THE FIVE MEMBERS. — THEIR ESCAPE, AND RETURN IN TRIUMPH. — THE KING GOES TO YORK. — PROCEEDINGS AGAINST THE BISHOPS. — THE COMMAND OF THE MILITIA. — THE KING RAISES HIS STANDARD. — BATTLE OF EDGEHILL. — THE FORCES OF THE PARLIAMENT AND OF THE KING. — AFFAIR OF BRENTFORD. — NEGOTIATIONS.

THIS year may be said to open with the civil war: physical force now became the resource of the adverse parties. Some blood was shed in the tumults round Westminster-hall. A reformado, or disbanded officer, named Hyde, drew his sword, threatened death to those "roundheads who bawled against the bishops," and was the inventor of that famous term. Colonel Lunsford, the king's obnoxious nominee to the lieutenancy of the Tower, attended by thirty or forty of his friends or brother officers, drew his sword upon the populace in Westminster-hall. Several of the mob were wounded by tiles thrown from the roof of the abbey, and sir Richard Wiseman, a citizen, died of injuries received by him. The commons petitioned the king for a guard to protect them from the dangers and menaces of a "malignant party;" received no answer, and debated with halberts in the house for their defence.

Thus, on the 1st of January, 1642, the clash of arms was already heard, and it may be said that the shock almost immediately followed. Charles, since his return from Scotland, only waited the favourable moment to regain his authority by force. On the 3d of January, the lord keeper informed the house of lords that the

attorney-general was in attendance, with a communication from the king. Herbert, the king's attorney, appeared at the clerk's table (not at the bar), said he was commanded by the king to acquaint the house with certain great treasons, designed and practised against his majesty and the state, which had come to his majesty's knowledge, and then held in his hand articles of impeachment for treason, which the king delivered to him, and desired to be read.

Seven articles, charging treason and other high crimes upon lord Kimbolton, Denzil Holles, sir Arthur Hazelrig, Pym, Hampden, and Stroud, were accordingly read. The charges made by the king merit profound attention, as indications of his future purposes, had his first stroke succeeded: they were couched as follows*:—1. That they have traitorously endeavoured to subvert the fundamental laws and government of the kingdom of England, to deprive the king of his royal power, and to place in subjects an arbitrary and tyrannical power over the lives, liberties, and estates of his majesty's liege people. 2. That they have traitorously endeavoured, by many foul aspersions upon his majesty and government, to alienate the affections of his people, and to make his majesty odious unto them. 3. That they have endeavoured to draw his majesty's late army to disobedience to his majesty's command, and to side with them in their traitorous designs. 4. That they have traitorously invited and encouraged a foreign power to invade his majesty's kingdom of England. 5. That they have traitorously endeavoured to subvert the rights and the very being of parliaments. 6. That for the completing of their traitorous designs, they have endeavoured, so far as in them lay, by force and terror to compel the parliament to join with them in their traitorous designs, and to that end have actually raised and countenanced tumults against the king and parliament. 7. And that they have traitorously conspired to levy, and actually have levied, war against the king.

* Rush. iv. 473, 474.

Herbert added, that he was further charged to desire on his majesty's behalf, —

“ 1. That a select committee, under a command of secrecy, may be appointed to take the examination of such witnesses as the king will produce in this business, as formerly hath been done in cases of like nature, according to the justice of this house. 2. Liberty to add and alter if there should be cause. 3. That their lordships would take care for the securing of the persons, as in justice there should be cause.”

Lord Kimbolton, who was present, stood up and expressed his readiness to meet the charge ; — but from want of concert or courage among the courtiers, no one rose to move his arrest as a traitor.* The lords, appalled by this novel proceeding, stood still, under the pretence of waiting the result of an inquiry for precedents, and left the initiative to the commons.

The house of commons was engaged in debating the king's tardy and evasive answer to their demand of a guard, when the impeachment was made known to them by a message from the lords. Learning at the same time that persons were sealing the papers, chests, and doors of the impeached members, they made an order forthwith that the serjeant-at-arms should have the speaker's warrant to break the seals, and apprehend the persons by whom they were put on. They made a further order, that any members upon whom similar seizures were attempted should stand upon their defence, and desired a conference with the house of lords as equally interested.

Meanwhile the serjeant-at-arms presented himself in the king's name to demand the five members, and arrest them as traitors. The house, in reply, sent a deputation to acquaint the king that the matter was too serious to be decided without consideration, and that the five members should be forthcoming to answer any legal charge.

* Lord Clarendon (ii. 128, &c.) charges lord Digby with having advised this proceeding, and having acted with treachery and dissimulation between the king and Kimbolton.

Charles next morning (January 4th) set out from Whitehall, with an armed band of 400 or 500 followers, including his guard, pensioners, disbanded officers and members of the inns of court, entered the house of commons, attended only by his nephew, the prince palatine, whilst his escort remained at the open door, glanced round upon the members, especially near the bar, where he was taught to look for Pym, commanded the speaker to yield to him his chair, and having ascended the steps, looked around, perceived, as he expressed it, that the birds had flown, and ordered the speaker to inform him where they were. Lenthall, throwing himself on his knees, made answer that "he had eyes to see and a tongue to speak only as directed by the house." The disappointed tyrant then left the house, whilst a low murmur of "privilege," "privilege" sounded ominously in his ears.

Pym had received notice of the king's intention from the celebrated lady Carlisle, with whom the severe patriot and puritan had relations of more than common intimacy.* The five members were requested by the house to withdraw, in order, says Rushworth, "to avoid a combustion," and sought protection in the city. Stroud refused to quit his place, and was literally forced out by his friend, sir Walter Earl, just as the king was entering Westminster-hall.

This *coup d'état*, if it be allowable to apply that modern and foreign term, is said by some to have been adopted with inconsiderate haste by Charles, under the impression that an impeachment was hanging over the queen; it is ascribed by others to the queen's violence and reproaches, who, upon his seeming disposed to give up his purpose, said to him "Allez, poltron, ou ne me revoyez jamais." He studiously concealed it from his new advisers, Falkland, Colepepper, and Hyde (if credit may be given to the last), and his chief adviser

* Sir Philip Warwick says, "She had changed her gallant from Strafford to Pym." The French minister, Montreuil, (Masure, 43. notes) takes the credit of having given them the alarm.

in it was lord Digby. But Clarendon studiously and systematically shifts upon others the offences, or as he calls them, the errors of Charles.* It is much more probable, if not absolutely proved, that the king was prepared with new evidence, obtained by him in Scotland, to bring against the popular leaders the same charge of having treasonably invited the army of the covenant with which they were menaced by Strafford.†

Charles next day went into the city, in search of the five members; harangued the common council, was feasted by the sheriffs, and received with marked signs of discontent by the people. A pamphleteer and ironmonger, so described by Rushworth, threw into his carriage as he passed a paper, bearing the words afterwards so famous, "To your tents, O Israel!" and was prosecuted for it.

The house of commons having declared the king's "warlike entrance" a breach of privilege, and his proclamation of the five members as traitors a false, scandalous, and illegal paper, and appointed a committee to sit during the recess at Guildhall, adjourned to the 11th of January. The lords also adjourned for the same period. On the 11th, the five members came from the city by water, escorted in triumph by sailors, train-

* See Clar. ii., Whit. Mem. 53., and the account of Grey, cited in Echard, 520. folio edition.

† This memorable scene is but imperfectly recorded on the Journals; but Rushworth, then assistant clerk, took accurate notes of it. A pencil note of the proceedings was found among the papers of sir Edmund Verney, who fell on the king's side in the battle of Edgehill, (see Parl. Hist. ii. 1101. note). Rushworth has recorded in the same place, (iv. 478.) "that the same evening his majesty sent *James Maxwell*, usher of the house of peers, to the house of commons to require Mr. Rushworth, the clerk assistant, whom his majesty had observed to take his speech in characters at the table in the house, to come to his majesty; and when *Maxwell* brought him to the king, his majesty commanded him to give him a copy of his speech in the house. *Mr. Rushworth* humbly besought his majesty (hoping for an excuse) to call to mind how *Mr. Francis Nevil*, a *Yorkshire* member of the house of commons, was committed to the *Tower* but for telling his majesty what words were spoken in the house by *Mr. Henry Bellasis*, son to the *Lord Faulconbridge*; to which his majesty smartly replied: — 'I do not ask you to tell me what was said by any member of the house, but what I said myself.' Whereupon he readily gave obedience to his majesty's commands, and in his majesty's presence, in the room called the *Jewel House*, he transcribed his majesty's speech out of his characters, his majesty staying in the room all the while; and then and there presented the same to the king, which his majesty was pleased to command to be sent speedily to the press, and the next morning it came forth in print."

bands, and eight pieces of cannon, to resume their places in the house of commons; whilst 4000 mounted gentlemen and yeomen of Buckinghamshire received Hampden as he landed from his barge, and demanded justice for his character by petitions to the lords, the commons, and the king. The commons vindicated their privileges by a terrible denunciation of all who counselled, aided, or abetted the king, and impeached the attorney-general Herbert, who professed his utter ignorance of the grounds of charge against the five members, and professed to act blindly by the commands of the king, from whose lips he received his instructions, and from whose hands he received the articles of impeachment.

It was the favourite maxim of Charles that his servants had a sufficient warrant in his orders for whatever they did; and this corollary from passive obedience, adopted and acted upon by his evil counsellors, was the main cause of his ruin. It had the effect of placing him at the mercy of men of desperate ambition or sycophant obedience, to the exclusion of honest counsellors.

The lords and commons called upon him to proceed with the impeachment of Kimbolton and the five members. He offered, in reply, a free pardon, with his acknowledgment that "he found good cause wholly to desert any prosecution." The two houses rejected a free pardon in language bordering on indignation, and demanded justice upon the slanderous authors of the impeachment. He deprecated, with a generosity which does credit to his memory, the punishment of Herbert, whose innocence, or at least ignorance, he avouched. "We do," said he, "therefore declare that our said attorney did not advise or contrive the said articles, nor had any thing to do with, or in advising any breach of privilege that followed after. And for what he did in obedience to our commands, we conceive he was bound by oath and duty of his place, and by the trust by us reposed in him, so to do: and had he refused to obey us therein, we would have questioned him for

breach of oath, duty and trust." Herbert was but slightly punished, and the affair of the five members gave way to new conflicts between the commons and the king.

Charles, better advised, endeavoured to repair his error by messages to the commons, which, at once faithless and unmeaning, availed him nothing. But he, in the meantime, by another error, was now far removed from the scene of his last outrage upon the nation. On the 10th of January, the day preceding the reassembling of parliament and triumph of the five members, he left London for Hampton-court with the queen and his family, proceeded thence to Windsor, — and never entered London more until he entered as a captive.

In the midst of the king's disputes with his subjects, the marriage of his daughter with the young prince of Orange, in pursuance of the proposition, already stated to have been made by the States General, was solemnised at Whitehall. It was perhaps the only popular measure of his reign, and proved by a strange fatality the most disastrous to his house. It was secretly arranged that the queen should proceed to Holland, under pretence of accompanying her daughter, with the hope of procuring the king foreign aid against his subjects, and carrying crown jewels of great value to be converted into funds for the purpose of obtaining munitions of war. Charles escorted her to Dover, and after changes of place*, so frequent as to mark the restless uncertainty of his mind and projects, arrived on the 19th of March at York.

During the king's devious route and short sojourns, a constant interchange of state papers in various forms was kept up between him and the parliament. Falkland and Colepepper, though ministers of the crown, contrived to retain the confidence of the patriots, and abused it. Hyde (Clarendon) acted with more direct and fla-

* See his Itinerary, from the 10th of January to the 19th of March, in Rush. iv. 484.

grant baseness.* He had recommended himself to the king by preparing the answer to the remonstrance †, but did not take office,—because his services would be more useful without it. ‡ His relations with the court were thus more secret, and whilst admitted to the counsels of the commons, he not only betrayed them to the king, but sent him drafts of the answers which he should return to the petitions, remonstrances, and other addresses of the parliament. § Those documents would deserve, and demand, in a copious history, a more frank and searching examination than they have yet received. They contain the material points upon which to judge the quarrel between the king and the parliament; the compass of these pages admits only the passing mention of the more important pieces and the general results.

From the re-assembling of the two houses, after the affair of the five members, the parliament and the king stood in the attitude of independent and adverse parties, preparing for the last appeal to Heaven and to arms. The obsequious tone of the one was a mere form, the authoritative tone of the other a vain mockery. One of the first acts of the parliament was an order of both houses, that lord Newport master-general of the ordnance, and sir John Byron, lieutenant of the Tower, should suffer no removal of ordnance or ammunition “without the king’s authority signified by *both houses of parliament*,” and that the Tower should be secured by a sufficient guard, under the command of serjeant-major (major-general) Skippon. Colonel Goring, governor of Portsmouth, was ordered to hold that place subject only to the authority of

* See Clarendon’s Life.

† Mem. See new text restored in Clar. Hist.

‡ The following is his own account (Clar. ii. 97.):—“The king at the same time resolved to remove another officer, who did disserve him notoriously, and to prefer Mr. Hyde to that place, with which his gracious intentions his majesty acquainted him; but he positively refused it, and assured him, ‘that he should be able to do much more service in the condition he was in, than he should be, if that were improved by any preferment that could be conferred upon him at that time.’” The officer to be removed must have been St. John.

§ Clarendon’s Life.

parliament; and sir John Hotham commissioned to take similar charge of the fortress and magazines of Hull. The king on his side took no steps of corresponding energy, partly from the want of means — partly of resolution. His chief measure was the queen's mission to the Hague, which only discovered his intentions; and his orders to Essex and Holland, the one chamberlain, the other groom of the stole, to attend upon his person, only manifested the weakness of his hold upon the peers. The conduct of those lords has not been fairly stated: conceiving themselves bound by their writ of summons to attend in parliament, they "prayed the pleasure of the house *," and were informed that their presence in their places could not be dispensed with.

The Scotch parliament, it will be remembered, sent commissioners to London upon the return of the king. Neither kingdom could trust him in the other, without a compulsory guard of honour of this kind to watch his proceedings. An offer of mediation was made by the Scotch commissioners between the parliament and the king. Their interference drew a sharp rebuke from the latter, an acknowledgment of thanks and brotherhood from the former.† It cannot be said that the king's rebuke was uncalled for, or his refusal impolitic. The proposed mediation of the Scotch commissioners was at once hostile and presumptuous as affecting him.

Money was the great want both of the king and the parliament. Charles was almost wholly cut off from means of supply, but the parliament had within its reach and at its disposal the purses of the corporation and capitalists of London. Application was made to the city for a loan of one hundred thousand pounds, towards the suppression of the rebellion still raging in Ireland. The citizens, by petition and answer, declined lending, but upon conditions which they set forth, in the form of twelve specific grievances to be immediately redressed;

* Rush. iv. 497.

† Id. iv. 498 — 501.

and the commons, or the popular leaders, by whom doubtless the conditions had been suggested, desired a conference on the subject with the lords.

That house still gave some signs of an independent and co-ordinate authority with the commons. Pym, who chiefly managed the conference on the subject of the London and other petitions from the neighbouring counties, declared openly, that the lords must join the commons in saving the nation, or the commons would do it without them. "I am now," said he, "come to a conclusion, and I have nothing to propound to your lordships by way of request or desire from the house of commons; I doubt not but your judgments will tell you what is to be done; your consciences, your honours, your interests will call upon you for the doing of it; the commons will be glad to have your help and concurrence in saving of the kingdom, *but if they should fail of it, it should not discourage them in doing their duty.* And whether the kingdom be lost or *saved* (as through God's blessing I hope it will be), they shall be sorry that the story of this present parliament should tell posterity, that in so great a danger and extremity, the house of commons should be enforced to save the kingdom *alone*, and that the house of peers should have no part in the honour of the preservation of it, you having so great an interest in the good success of those endeavours in respect of your great estates and high degrees of nobility. My lords, consider what the present necessities and dangers of the commonwealth require, what the commons have reason to expect, to what endeavours and counsels the concurrent desires of all the people do invite you: so that, applying yourselves to the preservation of the king and kingdom, I may be bold to assure you, in the name of all the *commons of England*, that you shall be bravely seconded."

Pym received the thanks of the commons, through the speaker, for his management of the conference, and was requested to supply a copy of his speech to be printed by the house. To weaken still more the au-

thority and numbers of the house of peers, the bill for taking away bishops' votes, which had lain before them some time, was pressed to a decision, and carried. The debate is stated to have been long, and yet the bill appears to have passed with only the dissentient votes of three bishops—Curle, of Winchester; Thornburgh, of Worcester; and Warner, of Rochester. There is no record of the speeches—but the fallen state of the bishops at this period may be gathered from a speech of bishop Hall*, of which the occasion and precise date are not known. "My lords," says he, "I have long held my peace, and meant to have done so still; but now, like to Cræsus's mute son, I must break silence.—I humbly beseech your lordships to give me leave to take this too just occasion to move your lordships to take into your deep and serious consideration the woful and lamentable condition of the poor church of England, your dear mother. *My lords, this was not wont to be her style:* we have, therefore, talked of the famous and flourishing church of England; but now your lordships must give me leave to say, that the poor church of England humbly prostrates herself at your lordship's feet (*next after his sacred majesty*), and humbly craves your compassion and present aid. . . . Now, alas! my lords, I beseech you to consider what it is, that there should be in London and the suburbs and liberties no fewer than fourscore congregations of several sectaries, as I have been too credibly informed, instructed by guides fit for them,—cobblers, tailors, felt-makers, and such like trash,—which all are taught to spit in the face of their mother the church of England, and to defy and revile her government. . . . Now, whither should we, in this case, have recourse for a needful and seasonable redress? *The arm of the church is, alas! now short and sinewless;* it is the interposing of your authority that must rescue us: you are the eldest sons of your dear mother the church, and therefore most fit and most able

* Parl. Hist. ii. pp. 989, 990.

to vindicate her wrongs; you are *Amici Sponsæ*. . . . Your lordships know, that the Jack Straws, and Cades, and Wat Tylers of former times did not more cry down learning than nobility; and those of your lordships that have read the history of the anabaptistical tumults at Munster will need no other item; let it be enough to say that many of these sectaries are of the same profession."

The king refused the royal assent; the commons prepared a remonstrance against the refusal, desired and obtained the concurrence of the lords, and extorted Charles's assent to it by commission.

He gave his assent at the same time to a bill for raising soldiers, his interference with which as an invasion of his prerogative, had been treated by the commons as a breach of privilege.

The king's assent to the removal of the bishops excited both surprise and distrust: according to some, he was persuaded to it by the Falkland party, as a compromise with "the root and branch men," who would no longer urge the extirpation of episcopacy.* The queen is said to have joined in it from a sense of personal danger, and at the suggestions of the priests.† But the most probable solution is, that Charles made all his concessions at this period with the secret determination to revoke them whenever he should be able, as extorted from him by violence, and therefore invalid. The following remarkable avowal has escaped Clarendon.‡ "But I have some cause to believe that even this argument, which was unanswerable for the rejecting that bill, was applied for the confirming it; and an opinion that the violence and force used in procuring it, rendered it absolutely invalid and void, made the confirmation of it less considered, as not being of strength to make that act good which was in itself null; and I doubt this logic had an influence upon acts of no less moment than these." Clarendon subjoins the following gentle and equivocal sentence of disappro-

* See Hacket's *Life of Williams*; and Clarendon, ii. 246—248.

† Clarendon, *ibid.*

‡ *Ibid.* ii. 252.

bation ; — “ but it was an *erroneous* and *unskilful* suggestion : ” strange terms applied to egregious perfidy.

References to the state of Ireland, where the rebellion was unsubdued, pervade the numerous state papers which passed between the parliament and the king.* Charles made vain efforts to remove the impression of his favouring both their rebellion and their popery. He was tardy in proclaiming them rebels, and at last issued only forty proclamations. He approved a proposal of the Scotch to furnish 2500 men for the conquest of Ireland, but objected to giving them possession of Carrickfergus. He proposed to go in person against the Irish rebels ; and, by way of preparation, to raise forthwith by his commissions a body guard of 2000 foot and 200 horse, which he should provide with arms and ammunition out of his magazines at Hull. The lords and commons not only deprecated his Irish journey, but informed him, that if through evil counsel he raised troops without their authority, they should suppress them ; and if he proceeded to Ireland contrary to their advice, they should disregard any authority delegated by him in his absence, and take the government of the kingdom upon themselves. The king, in rejoinder, expressed his grief and astonishment at the rejection of an offer for which he expected thanks.†

The two great magazines of the kingdom were Hull and the Tower. Charles found it impossible to obtain possession of the latter by stratagem or force. Newark, the brother of Holland and Warwick, and personally insulted by the king‡, was master of the ordnance. Lunsford was deprived of the lieutenancy, and the

* See Rushworth, iv. and v.

† The king's papers, drawn up by Clarendon, have been pronounced, by one writer after another, greatly superior to those of the commons. The preference must have been given from party prejudice, or by persons who echoed others without reading the papers on either side. Clarendon's drafts, especially in this instance, exhibit only diffuse rhetoric and flimsy dialects, approaching to pettifogging, while the papers of the parliament were no less remarkable for frankness, point, and brevity.

‡ Newark and others were said to design taking the queen into custody in the king's absence. They denied it as a calumny, and the king intimated to Newark that he believed it true.

Tower was guarded on the water and land side by the city train-bands under the orders of the famous Skippon. Hull contained the arms and ammunition of the disbanded troops, and was more accessible. The king, immediately after the affair of the five members, sent the earl of Newcastle, who, under the feigned name of sir John Savage, presented himself at Hull with the king's commission as governor, was recognised by a casual bystander, rejected by the mayor of the town, and, upon representation made to both houses of parliament, was ordered to attend in his place in parliament.

After Hull had been held some weeks by the two Hothams, father and son, for the parliament, a second attempt was made upon it by the king, under the pretence of his Irish journey, as he called it. He approached the town with 300 horse, preceded by a message that he was coming to dine with the governor. Hotham summoned the municipal authorities, resolved in concert with them not to receive the king, and made him acquainted with this resolution. He advanced, notwithstanding; found the gates shut, the drawbridge drawn up, and a guard under arms upon the rampart; but was informed that he might enter with a retinue of twelve, and the prince of Wales, who accompanied him. He refused this condition; proclaimed Hotham a traitor by sound of trumpet; returned to York with the young duke of York and the elector palatine, who were permitted, after some delay*, to come out of the town†; and sent a message to parliament, acquainting them of the traitorous insult offered to him by Hotham, "who had the impudence to aver that he acted with the authority of parliament," and upon this he demanded exemplary justice according to law. The king, indignant and impatient, sent a second message, before the first was answered, to the two houses, repeating his complaints, and demanding instant reparation.

* Rush. king's mess. iv. 568.

† They had gone there the day before. Rush. iv. ut supra.

“ If,” said he *, “ we are brought into a condition so much worse than any of our subjects, that whilst you all enjoy your privileges, and may not have your possessions disturbed or your titles questioned, we only may be spoiled, thrown out of our towns, and our goods taken from us, ’t is time to examine how we have lost those privileges, and to try all possible ways, by the help of God, the law of the land, and the affection of all our good subjects, to recover them, and to vindicate ourself from those injuries; and if we shall miscarry herein, we shall be the first prince in this kingdom that hath done so — having no other end but to defend the true protestant profession, the law of the land, and the liberty of the subject. And *God so deal with us* as we continue in those resolutions.” The two houses, by several votes, declared the king’s interruption of the communications with Hull a breach of privilege, “ suppressed” all forces raised by him against Hull, justified Hotham, and returned no other or no direct answer to the king. He replied to these votes by a long state paper, beginning with a complaint “ that his message respecting an unheard-of affront was not thought worthy of an answer.”

This elaborate case for the king, drawn up doubtless by Clarendon, drew from both houses a vindication no less elaborate, but much more vigorous, under the name of a remonstrance. The following paragraph contained the most frank avowal and exposition of the common rights and liberties of the people in the abstract, yet put forward by the leaders of the popular party. † “ Another charge which is laid very high upon us (and which were indeed a very great crime if we were found guilty thereof), is, that, by avowing this act of sir *John Hotham’s*, we do in consequence confound and destroy the title and interest of all his majesty’s good subjects to their lands and goods, and that upon this ground his majesty hath the same title to his own town of *Hull*

* Rush. iv. 569.

† Ibid. iv. 578, 579.



which any of his subjects have to their houses or lands ; and the same to his magazine and munition there, that any man hath to his money, plate, or jewels ; and therefore that they ought not to have been disposed of without or against his consent, no more than the house, land, money, plate, or jewels of any subject ought to be without or against his will. Here that is laid down for a principle, which would indeed pull up the very foundation of the liberty, property, and interest of every subject in particular, and of all the subjects in general, if one should admit it for a truth, that his majesty hath the same right and title to his towns, and to his magazines (bought with the public monies, as we conceive that at *Hull* to have been), that every particular man hath to his house, lands, and goods ; for his majesty's towns are no more his own than his kingdom is his own, and his kingdom is no more his own than his people are his own : and if the king had a property in all his towns, what would become of the subjects' property in their houses therein ? And if he had a property in his kingdom, what would become of the subjects' property in their lands throughout the kingdom ? Or of their liberties, if his majesty had the same right in their persons that every subject hath in their lands or goods ? And what should become of all the subjects' interests in the towns and forts of the kingdom, and in the kingdom itself, if his majesty might sell or give them away, or dispose of them at his pleasure, as a particular man may do with his lands and with his goods ? *This erroneous maxim being infused into princes, — that their kingdoms are their own, and that they may do with them what they will, (as if their kingdoms were for them, and not they for their kingdoms,) — is the root of all the subjects' misery, and of all the invading of their just rights and liberties."*

Charles returned a voluminous answer, and both were put forth in the form of printed pamphlets. The constitutional notions of Charles, or rather of Clarendon, may

be judged from the following.*—“ But this trust ought to be managed by their advice, and the kingdom hath trusted them for that purpose. Impossible that the same trust should be *irrecoverably committed to us and our heirs for ever* ; and the same trust, and a power above that trust (for such is the power they pretend), be committed to others. Did not the people that sent them look upon them as a body but temporary, and dissoluble at our pleasure ? And can it be believed that they intend them for our guardians and comptrollers in the managing of that trust which God and the law hath granted to us and our posterity for ever ? What the extent of their commission and trust is, nothing can better teach them than the writ whereby they are met. We called them, and without that call they could not have come together to be our counsellors, not commanders ; for, however they frequently confound them, the offices are several, and counsellors, not in all things, but in some things, *de quibusdam arduis, &c.* : they may easily find amongst their precedents, that queen Elizabeth, upon whose time all good men look with reverence, committed one *Wentworth*, a member of the house of commons, to the *Tower* ; sitting in the house, but so proposing that they might advise the queen in a matter she thought they had nothing to do to meddle in.”

It is observable in the course of this struggle between the king and the parliament, that the former never took up a position from which he was not forced to recede, whilst the advance of the latter was made with a steady unerring pace, which proved at once superior sagacity and power.

The last and decisive stage in the war of state papers and diplomacy came at last. Hostilities being the last resort contemplated by both parties, the great question which eclipsed all others was, the command of the militia—that is, the military force of the kingdom.

* Rush. iv. 591.

Charles, in the course of his discussions with the parliament, desired they would lay before him all their grounds at once, and that then he would go the utmost length becoming a king of England to redress them. His object was to embarrass his adversaries, or exhibit them to the nation in the wrong. There was no occasion upon which their superior address appears more apparent. They demanded, as a ground of trust, that he should place the army and navy under the command of officers possessing the confidence of both houses ; in other words, nominated by parliament. After several denials and expostulations, the king gave a peremptory refusal. The earl of Pembroke, one of the deputation of both houses, asked him " whether the militia might not be granted, as was desired by the parliament, for a time ;" upon which " his majesty," says Rushworth*, " swore by God, not for an hour : you have asked that of me in this, was never asked of any king, and with which I will not trust my wife and children."

All idea of a peaceful accommodation was now abandoned. The parliament had already passed their ordinance for the settlement of the militia, and appointed lieutenants of counties to carry it into effect.

They, at the same time, by one of those acts of dexterous vigour which characterised the popular leaders in the house of commons, obtained possession of the fleet. Northumberland was still disabled by the state of his health from commanding in person. The commons passed a vote that he should be desired, as lord high admiral, to appoint the earl of Warwick admiral of the fleet, and requested the concurrence of the lords. The latter, dragged in the wake of the commons, gave some feeble and vain signs of resistance. They objected, that the appointment could not take place without the sanction of the king. The commons, dispensing with the concurrence of the lords, and the authority of the king, signified their desire to Northumberland : he imme-

* IV. 533.

diately named Warwick, who as readily accepted the command ; and Pennington, appointed by the king, was repudiated by both the fleet and the parliament. Charles, on his side, formed a guard of lords and gentlemen resident in the county of York, or attending his person, and harangued his partisans with the most earnest protestations of his having no design to make war.

The parliament now passed three resolutions, which shook his throne and title to the centre: "that the king, seduced by wicked counsels, intended to make war on the parliament ; that whensoever the king made war upon the parliament, it was a breach of the trust reposed in him by his people, contrary to his oath, and tending to the dissolution of the government ; that whosoever should assist him in such wars, were traitors by the fundamental laws of the kingdom."

Charles denounced the ordinance of parliament as illegal, and began to issue his commissions of array. The first of these bore date the 11th of June, and was issued for the county of Leicester. It was immediately declared illegal by the parliament in return. Those reciprocal denunciations encountered each other in the several shires, and led to collisions, but without bloodshed between the adverse parties authorised respectively by the parliament and the king. It would seem as if both sides shrank with awe from the brink of a civil war. Lord Strange, son of the earl of Derby, attempted to possess himself of Manchester, and was repulsed with the loss of one man ; "the first blood drawn," says May, "in those unhappy wars." An impeachment in the name of the commons of England was exhibited against him, as a traitor in arms against his majesty. The queen, as it was supposed, and is most probable, gained over colonel Goring, governor of Portsmouth, already named, and that officer declared for the king. Sir William Waller besieged him in Portsmouth by land, whilst the earl of Warwick completed the blockade by sea ; and the governor surrendered.

During all this time state papers continued to pass between the king and the parliament. The latter presented to him nineteen propositions for the settlement of the kingdom, without hope of their being accepted, and they were rejected accordingly. These famous propositions contained the following, among other demands: — “That the king’s council should be subject to the approval of parliament — that the church government and liturgy should be reformed as the parliament might advise — that the militia and fortresses of the kingdom should be commanded by persons having the confidence of parliament — that no new peers should be made without consent of both houses.”

On the 12th of July, the commons voted the raising of an army to be commanded in chief by the earl of Essex, with the earl of Bedford for his general of the horse. The king met this vote with a proclamation, declaring Essex a traitor. Both houses voted this “proclamation” a libellous and scandalous paper, the venom of those traitorous counsellors about his majesty. Charles now received, by a vessel from Holland which put in at a creek in the Humber, a supply of arms and ammunition purchased by the queen. His inaction may be accounted for by the absence and expectation of this supply. It reached him now only by singular good fortune; for the parliament, fully informed of the queen’s pledging her jewels and purchasing military stores in Holland*, had ordered vessels on the proper station to intercept the vessel.

Charles was now supplied with 3000 stand of arms, 200 barrels of powder, and eight pieces of ordnance. On the 20th of August he marched at the head of a few hundred men, summoned the city of Coventry to open its gates, received for answer that he should be admitted with his personal escort, drew off his forces without firing a gun, and on the next day but one set up his standard at Nottingham, and declared by sound

* Rush. iv. 745, &c.

of trumpet war for the suppression of the rebellion of the earl of Essex. The king's followers shouted, whilst his flag with its emblems and mottos floated on the breeze, and the herald and the king's proclamation requested all who were capable of bearing arms to repair to his standard.

He had around him at this moment a band of faithful and gallant men, but the people did not rally in sufficient numbers; it is asserted by a cotemporary writer of the highest authority, that the parliament, were it so inclined, might at this moment have obtained possession of his person*; and sir Jacob Astley, one of his own officers, told him there was not sufficient assurance against his being taken by the rebels out of his bed.

The king was, in point of form, the first in the field. It was his only advantage, for his was the worse as well as the weaker cause.

The day is come, after a lapse of time bordering upon two centuries, when all that is independent and enlightened in the national mind renders just homage to the patriotism, genius, and achievements of the men who questioned, both in the parliament and in the field, the tyranny of Charles I. The Whigs no longer find it their interest, as in 1688, to heap puny insults and insidious defamations upon "the good old cause;" and the chivalry of royalism has long been extinct.

To enter upon the justification of the parliament in its resistance to the king, would be but to reproduce or refer to the main incidents in the preceding pages. The beaten question, which party was the immediate aggressor in drawing the sword, is really one of minor, or no real importance.† To that issue, sooner or later, it must have come at last. But it may be right to glance, in passing, at the respec-

* May, Causes and Beginnings, &c.

† Warburton says in one of his notes on Clarendon, "It was an idle question, though then much agitated, who began the war? The only material inquiry, was, who *had reason to take up arms?* But when both king and parliament were so anxious to be found on the *defensive*, it was a strong presumption that neither side, in their secret sentiments, were entirely satisfied *in the purity of their conduct.*"

tive situations in which the two parties stood on the breaking out of the civil war. Charles I. was assuredly quite as unfortunate as he was criminal. The practice of the monarchy, the genius of the law, the sycophancy of the lawyers, the spiritual dominion and delusive flatteries of court churchmen, all had taught the king to look upon the regal power in his person as inviolable and sacred, by all the sanctions of personal right, divine and human, among men. It would be too much to expect a prince so trained and formed from his birth to admit himself but the supreme magistrate of the state, created and existing as such for the nation, and holding his crown in trust for its benefit. This intimate sentiment and conviction of the sacredness of his sovereign power had its share even in his two great sins against the nation, — his systematic encroachment upon law and liberty; and the perfidy with which he evaded or annulled concessions made by him with the utmost solemnity. He saw the commons contesting with him prerogatives which had been exercised without question by Elizabeth, whose government was referred to as a standard reign; he considered himself in the position of one receiving present and threatened with more wrong; and, by a suggestion of mind natural in his situation, he was impelled to resist and guard against invasion, by invading in his turn. Again — taught to look upon his regality as sacred, not only by the law of the land, but by the will and ordinance of God, he looked upon those who opposed and restrained his actions as men having no better right over him than that of pirates and bandits (he habitually alluded to them in his confidential letters as impious traitors and villains); and he considered himself morally released from all pledged faith to them, as soon as he should be in a condition to resist and punish. Such were the position and circumstances of the king.

On the other side stood that race of patriot champions of public liberty, which had been growing in number and intellect, and proportionally enlarging its

views of liberty and reformation, from the first faint opposition to Elizabeth in her old age, at the close of the preceding century, down to the Bill of Rights, and onward to the militia ordinance. There can hardly be a doubt that Charles, in the earlier periods of his reign, might have come to a pacific and permanent accommodation with the popular party; but, trained and perverted as his mind had been, such an accommodation with him was morally impossible. The patriot leaders, as they advanced, not only had the sense of their growing power, but saw that no trust could be reposed in the most solemn engagements of the king: They saw that no redress, no guarantee settled between the king and parliament as independent parties, could be secure or permanent: they resolved to recast the monarchy: and to effect this, the monarch must have been reduced to the condition absolutely powerless,—of a nominal or ceremonial consenting party.

It was, doubtless, with this view that they deprived the king of the command of the army and navy, a power essential to the executive branch, whether in a republic or a monarchy. They saw that the king could not be safely trusted with it until the great and glorious work of reconstituting the state and government was completed, and the edifice, if it may be so expressed, was sufficiently solid and seasoned to resist any attempts against it. They never designed, and they expressly disclaimed, imposing those restrictions with a view to the systematic action of the government and constitution of the monarchy. Here it may be observed that the grand pervading obliquity which produced so much confusion and calamity, was in the position of the king. Had his relation to the nation, as its chief magistrate, been clearly defined by the law, and inculcated on his mind; had, in short, the principle been clearly established in the constitution, that the sovereign power is derived from the nation, and may return to it in the last resort; and had the king been instructed in this principle among the elements of his education and

guiding lights of his government ;— either the king's quarrel with the parliament would have been accommodated, or there would have been no quarrel. The patriot leaders were as sensible of the mischiefs arising from the king's vicious education, as from the imperfect and anomalous constitution of the monarchy. Of these there is a striking and interesting proof. Had Charles completed the arrangements for a patriot ministry, the education of the prince of Wales would have been confided to the virtue and genius of Hampden. It may, perhaps, be suggested also, that had not Hampden and Pym been prematurely lost to the public cause, the true source and derivation of the sovereign power would have been clearly settled, instead of remaining to be mystified by a quibble in 1688.*

In what form, it may be asked, would the patriots at this period have remodelled the state, had the king submitted implicitly to their demands? There were already, beyond doubt, aspirations after a republic ; but it does not appear that there was any resolved design. The republican enthusiasm of the younger Vane flashed in his speeches and conversation ; and vague glimpses of a great design not yet to be avowed escaped, or were permitted to escape, the profoundly politic self-command of Cromwell. " I can tell," said he to lord Falkland, " what I would not have, not what I would have." But it appears that the majority of the parliament, and the chief leaders, would have reconstructed the government in the form of monarchy.

It is no part of the design of these pages to enter into the details of the civil war. The varying aspects and developement of the national institutions, intellect, and manners — civil history, in short — is the proper business of a historic sketch ; war, in the details of its

* Burke has called the adoption of the word " abdicate," by the Whigs of 1688, " drawing a politic well wrought veil over a grand scene," &c. There is, doubtless, in the world statecraft as well as priestcraft, but the latter is not a jot more open than the former to the suspicion of imposture. It may be added, that the question, in what point resides the sovereign power? has recently divided, and will, perhaps, continue for some time to divide and convulse the monarchies of Europe.

devastation and its carnage, belongs to copious annals, or to the particular art.

It is necessary to glance back at the position of the parliament, civil and military, when Charles raised his standard at Nottingham. The king's attempts and failures before Hull caused a schism in parliament, especially among the peers. Thirty-six lords are named* as having joined the king at York; some by his invitation, others without it. Even the house of commons was somewhat thinned by desertion. Falkland, Colepepper, Hyde, and others of that party called moderately constitutional, proceeded to York. Nine peers, who appear to have given the signal for desertion, were ordered by parliament to appear at Westminster, proceeded against by impeachment upon their disobedience, and adjudged never to sit more as members of the house of peers. Littleton, the lord keeper, was among the deserters. After having remained to vote for the militia ordinance †, this man of weak virtue was one of the last who joined the king; and then, under somewhat curious circumstances. A courtier named Elliot, commissioned by the king, obtained from him and rode off with the great seal; and the lord keeper, next day, dreading the resentment of the parliament, rode away after the symbol of his office. His reception by the king was said to be contemptuously ungracious. ‡

* May, 46. "The duke of Richmond, the marquis of Hertford; the earls of Lindsay, Cumberland, Huntington, Bath, Southampton, Dorset, Northampton, Devonshire, Bristol, Westmoreland, Berkshire, Monmouth, Rivers, Newcastle, Dover, Caernarvon, Newport; the lords Matrevers, Willoughby of Eresby, Rich, Howard of Charlton, Newark, Paget, Chandos, Falconbridge, Paulet, Lovelace, Savil, Coventry, Mohun, Dunsmore, Seymour, Grey of Ruthen, and Capel."

† May, ut supra. See Littleton's denial of having so voted, *Parl. Hist.* ii. 1366.

‡ The following account of Littleton's conduct, omitted by the first editors of Clarendon, is restored in the recent edition (*Clar.* ii. 488—490.). "Of which I must in justice say somewhat for the memory and honour of the noble person who performed that service; whose modesty made him suffer under a groundless charge of being compelled, by the confidence of a bold and peremptory undertaker, to what in truth he would not else have yielded unto, and so lost much of that reputation which was unquestionably due to his own merit and integrity. From his recovery of a great sickness (which seized on him shortly after he was preferred to that great place, and which, indeed, robbed him for ever of much of that natural vigour and vivacity of mind which he had formerly enjoyed), his compliance was so great and so visible, not only in not opposing that prevalent sense of the house which was prejudicial to the king, but in concurring with it in

He is stated to have afterwards told a friend, in explanation of his conduct, that the king, when delivering

his own vote, very much against what his friends thought was agreeable to his understanding, insomuch as the potent and popular lords looked upon him as their own; and the king was so far unsatisfied with his carriage, that once, after his majesty's being at York, he resolved to take the great seal from him, but was contented to be dissuaded from that resolution, partly from the difficulty, it being probable that the attempt would not have succeeded by the interposition of the extravagant authority of the two houses, partly that it was not easy to make choice of another fit for that trust who was like to be more faithful in it, the terror of parliament having humbled all men to a strange compliance and submission; but especially that his majesty was assured, by some whom he trusted, that the affection of the lord Littleton was very entire to his service, and his compliance only artificial to preserve himself in a capacity of serving him, *which was true*. Whilst this could hang over him, one evening I visited him, and speaking freely with him (as he always gave me great encouragement to do, being well assured I bore a just respect and kindness to him, and well knowing I was not without some trust with his majesty, and of most intimate friendship with some that had more), I told him that the censure and hazard he ran by the notable compliance and correspondence he had with that party, which the king understood to be factious against his just regal power, of some votes in which his lordship had particularly concurred, which were generally understood to be contrary to law, in which his knowledge was unquestionable, mentioning to him a late vote upon the militia, and some declaration or message full of disrespectful language, which had been not long before sent to the king, in both which his concurrence was notorious, and much spoken of. To the particulars he answered, by telling me the story and circumstances of the debate, and the manner of his concurrence, which, though it made the matter more specious on his behalf than was generally reported, he well discerned gave me no satisfaction in the main: whereupon he said, 'I will deal freely with you, and tell you my heart; and if, upon consideration, you think the course I take be not most advantageous to the king, I will do as I shall be advised.' He then told me the straits he was in; that the governing lords had a terrible apprehension of the king's sending for the great seal; and that nothing but his fair deportment towards them, and seeming to be of their mind, prevented their taking the seal in their own custody, allowing it only to be with him whilst he sat in the house and in the court; that they had made some order to that purpose, if, by his interest with them, he had prevented it, well knowing that it would prove most fatal to the king, who, he foresaw, must be shortly compelled to wish the great seal with him for many reasons. 'Now,' said he, 'let it be considered whether my voting with them in such particulars, which my not voting with them cannot prevent, be of equal prejudice to the king, with the seal's being put into such a condition that the king shall never be able to get it when it is most necessary for him, which undoubtedly will be the case when, by my carriage and opposition against them, the confidence towards me shall be lessened.' To which he added, 'that when he failed to serve the king in an article of moment, or to come to him, he would be worthily censured.' The substance of this discourse was not long concealed from the king, who shortly after (his occasions requiring it) sent a gentleman with a warrant to receive the seal, and a very kind letter, all under the king's own hand, to the lord keeper, to require him to make all possible haste to him; which message his lordship was so well prepared to receive, and resolved to obey, that he went purposely out of the town to his house in the country, fifteen miles out of London, upon pretence to take the air for his health on Saturday night, when the gentleman employed in that errand came to him and received the seal from him, his lordship, very early on Sunday morning, taking another way on horseback, and arrived safe at York with his majesty the next day after the gentleman had delivered the seal to his

him the great seal, bound him by a private oath to return it instantly upon the king's sending for it. Such an oath would have been administered only in contemplation of some secret and sinister project. The authority of the parliament was too solid to be shaken by the loss of what became a mere bauble in the hands of the king.

The earl of Essex, named general-in-chief, appointed the officers who should serve under him (the earl of Bedford, general of the cavalry, excepted), in concert with a committee of both houses. His infantry, raised by the parliamentary commissions of array, consisted of twenty regiments, about 18,000 strong. Among the colonels were, lords Say, Kimbolton, Stamford, Rochford, St. John, Brooke, Roberts, and Wharton; Hampden, Holles, sir Henry Cholmley, sir W. Constable.

majesty, with some expressions of his own dexterity and courage in the service; which had no other ground than the confidence of the relator, who, I presume, without malice to the person of the lord keeper, thought only of doing himself good, and drawing such a reward as might be proportionable to the merit of the work, according to the account he gave of it; which report got the more credit, by some indisposition and visible dejectedness of the keeper upon his coming to York; and that the seal was not for a long time re-delivered to him, though never used but in his presence, but always kept in the king's bed-chamber; whereas the first proceeded (besides that he was never a good courtier) from the habit of awe and terror which he had contracted at Westminster, and which he could not speedily shake off, and so was not without some hesitation in the fixing the seal to some proclamations which were in a higher dialect than had used to pass his hand; of which wariness his adversaries made use to his prejudice; and the other was only, that the seal being in so secure a place as the king's own bed chamber, no attempt might be made by the treachery of a friend, or the fidelity of a servant, to carry it back to London, which no vigilance of the keeper himself, in those narrow accommodations all men were supplied with there, could probably have prevented. And from this security, in no wise intended as a reproach to the keeper, his lordship had so great ease and quiet that when the king (understanding that it was talked of abroad as proceeding from his majesty's distrust of the keeper) sent for him, and would have delivered it to him, assuring him that his confidence was as great in him as ever, the lord keeper besought his majesty that he would not expose him to so much anxiety, as must accompany that charge, in the danger and hazard of a march, when it was not possible for any care of his to prevent the possibility of its being stolen or forced from him; but that it might be continued in the same safety under his majesty's own care, till he were fixed in such a place as he might be reasonably responsible for it: and so, when his majesty was settled in Oxford, where the lord keeper had convenient accommodation of lodgings, the seal was redelivered to and remained in his hand till his death."

The foregoing long passage could not be abridged or compressed without the effect of garbling. It is, indeed, a curious peculiarity of the loose rambling and interesting manner of Clarendon that it will not be compressed without injury.

The cavalry was between 4000 and 5000 strong, divided into troops or squadrons under the command of lords and commoners, by whom they had been raised. Among these appear sir William Balfour (former lieutenant of the Tower), sir William Waller, sir Arthur Haslerig, Henry Ireton, and Oliver Cromwell. The executive power of the parliament was vested in "a committee of safety," comprising five peers—Essex, Northumberland, Pembroke, Holland, and Say; and ten commoners—Hampden, Pym, Holles, Martin, Fiennes, Pierpoint, Glyn, sir William Waller, sir Philip Stapleton, and sir John Meyrick.

The same moral power, founded on the sympathy and confidence of the nation, which enabled the parliament to raise troops and organise an efficient government, produced funds for its service; loans were obtained upon the security of "the public faith," in utter disregard of prohibitions issued by the king. Money, warlike stores in kind, plate to be melted down, women's rings, and other gold ornaments, were contributed, especially in London, by the people of every class. A sum of 4000*l.* had been voted towards putting down the Irish rebellion, and of this the parliament diverted 1000*l.* to their immediate service. In fine, the earl of Essex, having rendezvoused at St. Albans, was advanced to Northampton with the parliamentary army, and a petition from both houses to the king, at the very moment when his majesty was raising his standard and proclaiming Essex as a traitor at Nottingham. It is now necessary to turn for a moment to the resources and condition of the king.

It is strange that the king should appear so little struck by the wreck of his power and of the monarchy, strewn around him on every side. The church was rased to the dust—the spiritual arm, so prompt and powerful in execution, with its terrible instruments, the high commission court and star-chamber, was cut off. That great order of the state, which in England may be called the state itself, the parliament, was the party ad-

verse to him. The judicial order was reduced to a set of culprits cowering while they spoke the oracles of the law at the dictation of their judges and masters, who were his antagonists. But most important of all, the army, the navy, and, it may be said, the public purse, which is essentially parliamentary, were not only out of his reach, but wielded against him.

What, then were the resources which, remained to him? That indescribable sentiment of honour which, under the name loyalty, binds men alike in the two extremes of society to the crown. In a limited monarchy, where allegiance is but another name for duties imposed and defined by law, this sentiment of honour is factitious, but not the less elevated and pure; and it is capable of producing, as it has often produced, generous virtues and heroic achievements. This paramount sentiment of honour and duty rallied round the king at York a large proportion of the noblemen and gentlemen of the land, who were far from approving his previous measures, or even his present cause. They were willing to admit the claim of their country, and of the laws, upon their voices and votes; but wore their swords as belonging only to the king. To these may be added that frivolous and immoral generation of a court whose vanity and vices were rebuked by the austere virtue and religious strictness of the puritan and popular party; and, again, disbanded officers without resource, who had served abroad or in the king's army recently disbanded. The influence of the first-mentioned in their respective counties, acting with the authority of the king's name, soon raised him a considerable army by voluntary enrolment and commissions of array.

The king's army had the advantage of a greater number of experienced officers; but the most easily acquired, if not instinctively practised, of all arts among men, is the melancholy one of mutual destruction; and Essex, the general of the parliamentarians, had military experience, and even renown among the captains of the day. The royalist army was more

numerous, but it was scattered over the remote points of England and Wales, and its ranks were filled from the baser and more dependent classes of the community. Essex had with him at Northampton, concentrating towards that rendezvous, a force of 15,000 men, composed of "substantial yeomen" and industrious inhabitants of towns — men, in short, who knew the value of liberty and property, and were animated, moreover, by religious enthusiasm ;—whilst the king raised his standard with only an irregular escort of a few hundred volunteers and train-bands.

Charles, on raising his standard, deputed lord Falkland, lord Dorset, and sir John Colepepper with an offer to treat with the parliament. They demanded, as a preliminary, that he should take down his standard and revoke the proclamations in which he had called them rebels and traitors: after some idle and hopeless negotiation, both sides prepared for action. The king appointed lord Lindsey, a soldier of reputation, his general in chief, with the princes Rupert and Maurice, his nephews, serving under the earl. Rupert made war with his cavalry less like a soldier than a robber, and committed such outrages that the parliament prepared a charge of treason against him.* The king, having gone back to York, traversed Derbyshire, Leicestershire, and Nottinghamshire, commanding the attendance of the train-bands, and levying forced loans, proceeded to Shrewsbury, where he halted, soon found himself at the head of about 12,000 men, horse and foot, and set up a mint for the purpose of coining plate, which had been brought in to him in large quantities voluntarily or by force.

Essex, meanwhile, having secured Northampton, and garrisoned Coventry and Warwick in his way, marched upon Worcester. It was occupied by prince Rupert, after some trifling skirmishes with the parliamentarians, and abandoned by him as soon as Essex's vanguard came in view.

* May, Hist. Long Parl.

Charles advanced from Shrewsbury to Southam, within a short distance of Essex, and nearer London by a day's march. The capital was alarmed, and the parliament placed not only London, but Windsor, in a state of defence. Essex marched rapidly after the king, leaving behind him his chief force and heavier guns. Charles, having held a council of war, turned back upon his pursuer, and on the 23d of October gave him battle at Keynton-field, or Edgehill, in Warwickshire. The royalists occupied the brow of a hill, separated by a plain called "the Vale of the Red Horse," from the parliamentarians. Lindsey, disgusted with the insolence of prince Rupert, looked upon himself as only nominal commander, and took his place at the head of his regiment. The two armies confronted each other soon after ten in the morning. It is somewhat strange, that the action should not have begun before two o'clock in the day. The royalists, perhaps, were unwilling to leave their advantageous ground. At two o'clock the parliamentarians opened a fire of three pieces of ordnance, and advanced. The royalists returned the fire, and gallantly descended into the plain. The battle soon raged with the utmost ardour. Essex and Lindsey were in front, with each a pike in his hand. Rupert with his cavalry charged the left wing of the parliamentarians furiously; put them to flight; pursued them too far, with his characteristic impetuosity; lost precious time in seizing the baggage, with his no less habitual love of plunder; and, according to most accounts, deprived the king of a brilliant victory. In point of fact, the right wing and centre of the parliamentarians stood every charge, charged in their turn, took some of the king's guns, and had an equal chance of victory if night did not divide the combatants. Lord Lindsey became prisoner, and died of his wounds. Sir Edmund Varney, the king's standard bearer, and who fought on the king's side from a point of honour, without opposing the cause, died. The parliamentarians had two colonels slain. The numbers engaged and slain are equally

uncertain ; about 5000 are said to have been slain, the greater loss being on the king's side. The royal standard was taken and retaken * ; and both sides, on the strength of their spoils of ensigns, ordnance, and prisoners, claimed the victory.

Essex received, the next morning, a reinforcement of three regiments, commanded by lord Willoughby, Holles, and Hampden. It was strongly urged, especially by Hampden, to make a fresh attack upon the harassed royalists, and thus probably decide the contest. He, however, marched upon Coventry ; whilst the king, taking Banbury without resistance, in his way, with its garrison of 1000 men, marched towards Oxford. Essex was censured and suspected, as one who did not wish to see the parliament triumphant and the king in extremity. It is certain that court disgusts, personal ambition, and dislike of episcopacy had the chief influence in determining his choice of a cause ; he wanted that force of character and ardent temperament, that enthusiasm, religious or republican, which could overcome the bias of his mind for the preservation of his social superiorities and privileges as a peer. Dalbier, an old soldier, was said to have dissuaded them from the pursuit of the king ; but a soldier of fortune was naturally averse to the termination of the war. Essex, however, retained the confidence of the parliament ; he performed great services ; his honour was unimpeached.

The king halted at Oxford. Prince Rupert, with his cavalry, committed devastation and outrage in the direction of London, and alarmed the capital. Essex received orders from the parliament to march to its

* It was retaken by an artifice, related by Ludlow (and Rushworth). Ludlow says : —

“ Many colours were taken, and I saw lieutenant-colonel Middleton, then a reformer in our army, displaying the king's standard which he had taken ; but a party of horse coming upon us, we were obliged to retire with our standard ; and having brought it to the earl of Essex, he delivered it to the custody of one Mr. Chambers his secretary, from whom it was taken by one captain Smith, who, with two more, disguising themselves with orange-coloured scarfs (the earl of Essex's colour) and pretending it unfit that a penman should have the honour to carry the standard, took it from him, and rode with it to the king, for which action he was knighted.”

protection, arrived on the 7th of November, and received the thanks of both houses, with a gratuity of 5000*l*. At the same time five commissioners — lords Northumberland, Say and Sele, Pembroke, sir John Hippesley, and colonel Pierrepoint—were sent by the parliament with a petition for accommodation to the king. He gave a favourable answer, protesting before God that his heart was grieved for the sufferings of his people ; said that, with the view to promote an accommodation, he should come nearer London and the parliament ; and advanced to Colnbrook.*

Meanwhile Brentford was occupied only by the regiment of Holles. Charles, upon the departure of the commissioners, and under the pretence of negotiating nearer the parliament, sent forward his cavalry under Rupert, with some pieces of artillery, — “ so,” says May, “ all relators agree ;” — and the prince, taking advantage of a November fog, unexpectedly fell upon Holles’s regiment. The roaring of the cannon reached Essex in the house of lords : he instantly took horse and rode to the scene of action ; but found that the regiments of Hampden and lord Brook had already come to the rescue of Holles, whose regiment must otherwise have been utterly destroyed ; the royalists had already retired, after having done serious execution upon the parliamentarians in killed, wounded, and prisoners.

Charles was reproached with heartless treachery.

* Warburton (Notes on Clarendon), says of the conduct of Essex and the king : —

“ In the year 1741, or thereabouts, I had a conversation with the duke of Argyle and lord Cobham, concerning the conduct of Essex and the king after the battle of Edgehill. They said Essex, instead of retiring to Coventry, should either have pushed the king, or attended him closely : that since he neglected that, and went back so far north, the king should have marched hastily to London, and ended the war with a blow : that, as lord Clarendon represents it, the conduct of both is incomprehensible. I think the matter very clear. Essex’s views and principles would not suffer him to destroy the king, because the constitution would fall with him, and this he loved. This appears evidently from Whitelock, who says, that the next day after the battle, three fresh regiments, one of horse and two of foot, commanded by lord Willoughby of Parham, Hollis, and Hampden, joined him, who all urged him to pursue the king ; but he took Dalbier’s advice to the contrary. On the other hand, the king’s best friends dreaded his ending the war by conquest, as knowing his despotic disposition ; and these dissuaded the marching up to London, which lord Clarendon tells us was debated in council.”

His appeals to God, in his state papers, for the sincerity of his affection to his people, and grief for the civil war, were called hypocritical; and with good reason. The defence made by him, that no suspension of arms had been agreed on*, only made his case worse: it showed him not only as a belligerent enemy to all intents, but an enemy characterised by punic faith.

Next morning the parliamentarians received a reinforcement. It was proposed by the gallant Hampden, and other colonels of the new-raised troops, to march 3000 men from Kingston direct to Hounslow, and thus cut off the king's retreat upon Oxford, whilst Essex with the main army should attack him in front. Dalbier and sir John Meyrick, commander of the ordnance, suggested danger to the capital; the Kingston troops marched round by London bridge, and a day was lost. Essex, however, had now 24,000 men on Turnham Green, including the city bands commanded by the brave Skippon; and a strong detachment of horse and foot, — Hampden and his regiment in the van, — was directed to cut off the king's retreat. But this detachment had not proceeded far when it was overtaken by counter orders; and after both armies had stood quietly facing each other for several hours, the king retired unmolested over Kingston bridge, without ammunition enough to last him a quarter of an hour.† “The parliament men,” says Rushworth, “and gentlemen that were officers, were for engaging; but the soldiers of fortune were altogether against it.”‡ This opposition of views and of interests pervaded the earlier campaigns of the civil war.

The negotiations were resumed, and continued at Oxford from the beginning of March to the middle of April in the following year; but without the slightest probability of success. A petition from the city of London prayed both houses “That they would pro-

* Declaration, Rush. v. 61.

† Whit. Mem. 66.

‡ There are very different accounts of this affair. The above account is taken from Rushworth, May, Ludlow's Memoirs, and Mrs. Hutchinson's Memoirs of her Husband.

would proceed no further in the business of accommodation, because evil counsel was so prevalent with the king that he would but delude them; stated that they had heard his forces were weak; and entreated that his excellency would follow and fall upon them; the city, as heretofore being ready to spend, with all willingness, their lives and fortunes to assist the parliament." Charles proposed, among many other conditions, that parliament should meet at a distance not less than twenty miles from London, and the parliament immediately recalled its commissioners.*

* The commissioners were, Northumberland, Say and Sele, sir William Armin, sir John Holland, and Whitelock. There are in Rushworth (v. 127, &c.), two speeches delivered in the king's council at Oxford, by the earls of Bristol and Dorset; the former for, the latter against, the continuance of the civil war.

CHAP. VIII.

1643.

THE CIVIL WAR. — REVERSES OF THE PARLIAMENT. — ARRIVAL OF THE QUEEN. — DEATH OF HAMPDEN. — DEFENCE OF LONDON. — FIRST BATTLE OF NEWBURY. — NEGOTIATION WITH THE SCOTS. — MOCK PARLIAMENT AT OXFORD. — BATTLE OF MARSTON MOOR. — DEPARTURE OF THE QUEEN TO FRANCE. — TRIAL AND EXECUTION OF LAUD. — THE INDEPENDENTS. — ASSEMBLY OF DIVINES. — ABOLITION OF EPISCOPACY. — TREATY OF UXBRIDGE. — MANCHESTER. — CROMWELL. — THEIR DISPUTES. — SELF-DENYING ORDINANCE. — NEW MODEL. — BATTLE OF NASEBY.

ENGLAND had not known civil war since the termination of the strife between the houses of York and Lancaster in Bosworth field. The religious insurrection, called the Northern rebellion against Elizabeth, does not merit the name. Now the kingdom was agitated and armed on every side, from its centre to its extremities: every county became a theatre of war, every plain a field of battle, skirmish, or encampment; every town a garrison; every mansion a castle fortified for defence. But yet, and it is most honourable to the character of the age, and of the people, the barbarities of civil warfare were singularly few. The laws of war were acknowledged, and the gallantry of individual enemies to each other was heroic and humane. Much of the credit is due to the parliamentarians. Religious and moral men readily became strictly disciplined soldiers, and upon the king's proceeding against Lilburne (made prisoner at Brentford) as a traitor, the parliament declared their purpose to retaliate*; upon which Charles consented to treat Lilburne as a prisoner of war. The royal army, com-

* Rush. v. 93.

pared with the parliamentarians, was disorderly and licentious. It was recruited from worse classes of the community, its officers were brought up in the habits of court frivolity and dissipation, and prince Rupert, the king's nephew made war in such a manner as to obtain him the nickname of prince Robber.*

The adverse issue of commissions of array by the king, and the parliament was followed by similar associations of counties. The example was set by the king. William Cavendish, earl of Newcastle, governor to the prince of Wales, associated for his service the northern counties of Northumberland, Cumberland, Westmoreland, and Durham. Ferdinando, lord Fairfax, father of the more famous general, associated Yorkshire; sir William Brereton, Cheshire; lord Denbigh, Shropshire; lord Grey of Groby, Leicestershire; lord Manchester (then Kimbolton), Essex; sir William Waller, Hampshire, with other counties adjacent, for the service of the parliament.

An association or band of neutrality was attempted in Cheshire and Yorkshire. The king encouraged it, but the parliament, whose strength lay in excitement and activity, saw in it an example which might shelter the time-serving and damp the enthusiastic, and declared it unauthorised and prejudicial to the public cause.†

The campaign of 1643 was one of chequered fortune on both sides. Early in the year, the gallant and patriotic lord Brook was lost to the popular cause. Lichfield was held by lord Chesterfield for the king. Lord

* The English language is indebted to this 'prince for the word "plunder," and the English arts for that of etching on wood.

† Rush. v. 101. Warburton (notes on Clarendon) says of those associations:—

"The general argument in this reprehension is very solid; nothing being more unjust and absurd, than such partial neutralities in a quarrel that concerns the whole. It is true, the parliament was much more concerned to discountenance them than the king, since the cause of the parliament could be only supported by extraordinary measures, which an inflamed and enthusiastic temper only will engage in; and when this is suffered to cool by a neutrality, all is in danger. Whereas the other party following, and relying upon established law and custom, a neutrality gives new force to their operations, which had been weakened by the bold infringements on them.

Brook, who had reduced Warwickshire, with the exception of that city, to the authority of the parliament, attacked it on the 1st of March, drove lord Chesterfield into a walled area surrounding the cathedral, and whilst viewing that position for the purpose of attacking it, was mortally wounded by a musket-shot in the eye. The parliamentarians followed up the attack, made lord Chesterfield and his garrison prisoners, and in their turn surrendered to prince Rupert.

Fairfax and Newcastle were opposed to each other in the north. Up to the month of June it was a war of posts and skirmishes, in which the younger Fairfax displayed skill and gallantry. The parliamentarians under lord Fairfax gained advantages with an inferior force at Bradford and Tadcaster*, but were defeated in a pitched battle, on the 30th of June, at Atherton Moor, by the earl of Newcastle. The victory was gained by a charge of pikes directed by Newcastle, and the treachery of general Gifford.† The position of Fairfax seemed desperate. Hotham, governor of Hull, had declared for the king, and shut against the parliamentarians their only northern place of strength. But the townspeople suspected his treachery, seized his person, and received lord Fairfax. The two Hothams, father and son, were condemned and executed by authority of parliament, as traitors. Cromwell displayed his sagacity and vigour in minor affairs. His troop swelled to a regiment of 1000 cavalry, raised and trained by him in moral and religious, as well as military discipline, and he supported lords Willoughby and Manchester, successively his superiors in command, with a modest zeal, which proves that at this period he thought only of the his duties.

Sir William Waller had distinguished himself by forcing colonel Goring, governor of Bristol, to surrender at the breaking out of the war. He further signalised himself by taking in rapid succession Winchester, Chichester, Hereford, and Malmsbury. His talents were

* Fairfax's Memorials.

† Ibid.

over-rated ; he was looked upon by others and himself as the rival of Essex, and was expected to eclipse—perhaps designed to succeed—him, when, on the 5th of July, he received a severe check in an engagement with prince Maurice and sir Ralph Hopton, at Lansdowne ; and on the 13th was completely routed by lord Wilmot, whom the king had despatched against him from Oxford, and who appears to have taken him by surprise.* This defeat was ascribed to a rash charge of Haslerig with his regiment of horse, at the head of which he was wounded. Waller proceeded to London for the purpose of vindicating himself, and succeeded—at least he was kindly received ; and the house of commons, imitating the republican magnanimity or policy of ancient Rome, thanked him for his fidelity by the mouth of the speaker. His defeat was followed by two serious losses. Exeter surrendered, from insufficient means of defence ; and Bristol, a more important place, from the governor's want of capacity or courage, to prince Maurice. The governor was Nathaniel Fiennes, son of lord Say and Sele, a man who would have maintained the reputation of his capacity and virtue, had he confined himself to advising in council and haranging in parliament. The puritan zealot Prynne, and Clement Walker, the presbyterian defamer of the independents, prosecuted him before a court martial, appointed at his own request, and obtained his condemnation to death. Essex, by authority of his commission from parliament, granted him a full pardon.

About this period was detected the conspiracy called Waller's plot. It was got up by Edmond Waller the poet, in concert with two persons named Challoner and Tomkins. Waller had come to a treacherous understanding with the king during the negotiations at Oxford.† The object of the conspirators was, to seize the persons of the leading members of the commons, and deliver up the city to the king. A servant of Tomkins overheard their conversation, and disclosed it

* Rush. v. 235.

† Whit. Mem. 70.

to Pym. Tomkins and Challoner were condemned and executed; but Waller, also condemned, had his sentence commuted by Essex to a year's imprisonment and a fine of ten thousand pounds. From a question put to him, it appears that Selden, Whitelock and Pierrepont, were suspected of being in the secret: his answer exculpated them.*

The queen meanwhile had returned to England. She sent the king from Holland frequent supplies of money and munitions of war; but every step taken by her, even to the selling or pledging of a necklace, was known to the parliament*, and they sent over Strickland as their agent to remonstrate with the States-general. At first the States slighted him, but the men of the commonwealth were not even at this stage to be trifled with. A vessel freighted by the queen was seized, and she complained in her turn.†

Henrietta having escaped the dangers of a stormy passage, and the vigilance of the parliamentarian admiral Batten §, landed at Burlington Bay on the 1st of March, proceeded under the escort of the earl of Newcastle to York, continued there some weeks with great benefit to the king's cause, and sent him a reinforcement to Oxford.

Newcastle's army regarded itself as especially appertaining to the queen, contained a large proportion of catholics, was devoted to her person, and inspired by her presence. She not only increased the strength, but governed the mind of the king; and the commons, to paralyse her power and influence by intimidation, or from some other motive of policy, sent up an impeachment against her to the lords. The

* Whit. Mem.

† Rush. v.

‡ Ibid. v. 159—163. Clarendon, ii. 426. iii. 102.

§ Batten is accused by the royalist writers, from Clarendon to Dr. Lingard, with having cannonaded the queen's lodgings for two hours, and driven her out of bed to seek shelter in the fields at midnight; but it appears from Rushworth, that he directed his fire upon the small craft which were landing the ammunition, and that some shot reached the house in which the queen lodged, and induced her to retire beyond the range of his guns. Clarendon, indeed, charges the parliament with having instructed Batten to "destroy her majesty."—Vol. iii. 445.

accusation remained suspended, or rather lingered, for some time without any serious proceeding, and doubtless was never designed against her person. It is however a stain upon the reputation of the patriot leaders. Their motives are unexplained, and will probably never be known. They may have been such as would palliate this proceeding, but they could not justify it. There are relations too tender, and obligations too sacred, to be treated as penal or censurable upon any account. Two persons in the realm at that period signally devoted themselves to their respective duties, — the queen to her husband, and Hampden to his country. Her conduct is the more remarkable, that she was neither affectionately attached nor scrupulously faithful.* The king, indignant at this impeachment, or using it as a pretext, declared, by proclamation, that the lords and commons sitting at Westminster were not a free parliament: and thus raised a new barrier against pacification.

The operations and condition of the main army under Essex, after the affair at Brentford, created distrust and despondency. The question was agitated whether he should not be removed, and the command in chief given to Hampden. It were idle to speculate on the probable result. Hampden was resolved, faithful, intrepid, with resources of genius which he carried with him undeveloped to the grave; and if he wanted technical experience, it should be remembered that a war like that between the parliament and the king, carried on not by drilled mercenaries, but by a portion of the civil community in arms, is essentially a war not of art but of inspiration. The presbyterians, however, had as yet the complete mastery: Cromwell had not discovered his endowments as a soldier and statesman: the independents had not reached that

* "Sa femme," says Voltaire, "*Henriette de France, fille de Henri IV.*, qui avait presque toutes les qualités du roi son père — l'activité et l'intrépidité, l'insinuation, et même la galanterie, secourut en héroïne un époux à qui d'ailleurs elle était infidèle."

union of enthusiasm and reason by which they obtained their ascendant: the house of lords was still necessary as an integral part of the parliament; and Essex could not, with prudence, be removed from the command.

The Oxford negotiations came to a close nearly at the season when, according to the usage of war at that period, winter quarters were abandoned and the campaign begun. Essex's army had suffered both from disease and desertion, but was recruited, and for the most part from the best material for an army—the young men, apprentices in the various trades, industrious, intelligent, and full of zeal.*

Hampden proposed that the main army, under Essex, should proceed directly and rapidly upon Oxford, which was not in a condition to sustain a siege. The general, still supported by the advice of the "soldiers of fortune," contented himself with investing the town of Reading, which capitulated without the honours of war, in ten days. Reading surrendered before the end of April; it was the middle of June before Essex approached Oxford, and fixed his headquarters within ten miles of that city, at the village of Thame. His inaction was ascribed to, and may in part have arisen from, sickness and disorganisation in his troops; but the murmurs of the Londoners, and his advance in obedience to them, are some evidence that he might have, if he chose, moved sooner upon Oxford. His position was ill chosen, and his posts too far asunder; perhaps his object was not to besiege the king, but, as stated by Clarendon, to cover Buckinghamshire.

Colonel Hurry, one of the hireling officers, whose services were so valued on both sides, deserted at this moment from Essex to the king, and gave the treacherous information that two regiments of the army which

* See the proclamation releasing them temporarily from their indentures, with the advantage of counting the time of service uninterrupted, in Rush. v. 53, 54.

he left lay exposed to attack at Wickam. Prince Rupert, by a bold and rapid movement in the night turned the wing of those regiments unobserved ; attacked them unexpectedly on the side of London ; slew or took them to a man ; marched back upon Oxford ; but was overtaken by Essex at the village of Chalgrove. The petty affair which followed would be unremembered if it were not associated with an event among the most memorable and mournful of the civil war—the death of Hampden. That gallant soldier and virtuous patriot was recruiting in the neighbourhood* ; and joined the party sent in pursuit as a volunteer. A random shot wounded him in the shoulder, and he was observed by the enemy riding away from the field with his head hung down, and his hands leaning on his horse's neck.† It was presumed that he was wounded, his person was known, the news reached Oxford, and was communicated to the king by sir Philip Warwick. Charles expressed a wish to have him attended by one of his own surgeons ; with the hope, according to sir Philip, of gaining him over to the court.‡

Hampden survived his wound six days. He died in the forty-ninth year of his age, and yet it was only in the dawn of his public life and character. The name of Hampden suggests the beau-ideal of an English commoner ; a patriot of stainless life, possessing influence almost boundless over the counsels of his country, yet never using it for his ambition, or even for his fame. The confidence in his virtue was exceeded only by that in his capacity. It is true he has left no standing and conspicuous monuments of his superiority as a soldier, or even as a statesman. But that genius which obtained such an ascendant as to suggest his being placed at the head of the army before he had yet fought a battle, proves its superiority by the very fact of dispensing with the usual probation. His life, had it continued,

* Mem. of Sir Phil. Warwick, 239, 240.

† Clarendon, iv. 82.

‡ Mem. ut suprâ.

would probably have given another turn to the great revolution then in full career; saved, perhaps, the life of Charles; prevented, almost to a certainty, the traitorous usurpation of Cromwell upon the commonwealth.*

The death of Hampden is described by Clarendon as exciting greater consternation among the parliamentarians than the loss of their whole army, whilst "the nation," by which that court slave meant the tyrant, whom he served, regarded it as a deliverance.† The joy of Clarendon and the court was assuredly delusive, inhuman, and dastardly. Had he lived, the king's life might have been saved; though there seems little doubt that his crown would have been lost.

It required, on the part of the parliament and its executive council, named the "committee of safety," resolute temper and resource in emergency, rarely, if ever paralleled, to meet the crisis of the public cause upon the death of Hampden. Waller was utterly routed in the west, and the strong places were in the hands of the king. Gainsborough, which colonel Cromwell had taken, was recaptured, and lord Fairfax was besieged in Hull. The army of Essex was weak and disheartened, and he was suspected of being engaged with but half his heart in the public cause. The only strong place which held out for the parliament was Gloucester, in which colonel Massey made an able and brave defence.

The queen joined the king at Oxford from Yorkshire with a reinforcement: and London, upon the possession of which the fate of the two parties may be said to hang, was without an army or fortifica-

* The Whigs affect to eulogise Hampden, and claim him for their party, without the shadow of right. Had he lived to be associated with the commonwealth as one of its founders, they would be no less eager to repudiate his principles, and to offer petty insults to his name, as they, or one who was no unfavourable type of them, Addison, offered in Switzerland to the memory of the exiled Ludlow. There appears but one man known and alive at this period who may be called a Whig. By good fortune he lived to figure as one of the party. It was the adroitly time-serving Maynard, who served and flattered every dominant power in its turn, from the long parliament to the prince of Orange.

† See Godwin's Commonwealth, i. 112.

tions for its defence. Steps were taken to recruit the main army under Essex. Entrenchments were thrown up in a circuit of twelve miles round London with incredible rapidity. "The example," says May *, "of gentlemen of the best quality, knights and ladies, going out with drums beating, and spades and mattocks in their hands to assist in the work, put some life into the drooping people." Essex, despairing of the public cause, or eager for a compromise, addressed a letter to the lords, representing the inefficient state of his army, and advising an accommodation with the king. A petition to the king was voted accordingly by the house of lords. Three of four lords who had been appointed to recruit, Pembroke, Bolingbroke, and lord Howard of Esrick (of unhonoured memory), declined their commissions: Kimbolton, now earl of Manchester upon the death of his father, the fourth peer, accepted and executed his.† The petition of the lords was sent down for the concurrence of the commons, and taken into consideration, after a vehement struggle, by a majority of ninety-four to sixty-five. The laws and liberties of the nation, the lives of the ablest and purest patriots whom the nation had yet or has since produced, appeared suspended by a thread. Accommodation at this moment would but open the gates for despotism and revenge. "Methinks," says Mr. Godwin, in reference to this crisis, "methinks I see him (Charles) in his principal entrance into London, surrounded by all his minions and myrmidons, his horse's hoofs wet with his country's blood." ‡ The debate took place on a Saturday in the commons: next day the pulpits echoed with denunciations of the overture proposed by the lords. The lord mayor, Pennington, assembled a common council, and a petition against the proposed overture was enthusiastically agreed to. Next day the petition was presented to both houses by the lord mayor, attended by a tumultuary mob. The commons ordered the lord

* Hist. of the Long Parliament.

† Godwin's Commonwealth, i. 125.

‡ Id. *ibid.* 132.

mayor to keep the multitude in order, rejected the overture of the lords, and prayed that house not to abandon the defence of the kingdom. The petition, or rather its escort, seemed and was said to produce this change of opinion in the house of commons. Whether the effect was to ruin the monarchy or rescue the public cause, is a question to be determined by the view taken or entertained of the contest between the parliament and the king.

The situation of the parliament, that is, of the house of commons,—for the other house had become a shadow,—was most perilous, yet not sufficient to account for the panic with which the commons were so suddenly seized, and from which they as suddenly recovered. It was doubtless confined to that timid or trimming section of every public assembly which inclines the balance, and did not touch the resolution of the popular leaders. The crisis of the popular cause, however, was all but desperate. “Wise men,” says May, “might justly doubt of the public cause if the king had marched upon London instead of besieging Gloucester, or lord Newcastle had brought his forces against the eastern associated counties instead of continuing his fruitless siege of Hull.*

But the approach of the enemy in arms was not the only danger which menaced the parliament. Bedford, general of the horse, Northumberland, Holland, and Clare, father of Denzil Holles, began to sigh for the glitter and graces of a court. They began to feel that plumes and coronets no longer weighed against the capacity, zeal, and untitled services of the Pym and the St. Johns. The contagion reached Essex, brave in his person, but of weak character. The step taken by the popular leaders in this emergency, proves, in a remarkable manner, how self-possessed and sagacious were their counsels. Men actuated by either extreme of violent temper or vulgar prudence would have removed from the command a general whom they had

* May, Short Mention, &c., 61.

reason to distrust. A committee of the house of commons, consisting of St. John, Stroud, Crewe, and Pym, waited upon Essex, assured him of the support and confidence of the house, opened his eyes to the king's particular resentments and personal character, and confirmed him in his duty. His army was soon recruited and re-organised : he set out at its head to relieve Gloucester, besieged by the king ; signalised himself by his march from Hounslow to Gloucester in the face of lord Wilmot and prince Rupert, who used all means to impede and harass him with a superior force ; soon compelled the king's army not only to raise the siege, but to make a precipitate and disorderly retreat ; and relieved Gloucester.

The march of Essex back to the capital was no less skilful, and had more *éclat*. On approaching Newbury, he found the king posted there with a superior force, and encountered him for the second time in pitched battle. The parliamentary infantry, composed chiefly of Londoners, stood the shock of prince Rupert's cavalry with admirable firmness, and at the approach of night the king abandoned the field and the town of Newbury to his opponents. In this battle fell on the king's side Henry Spencer, earl of Sunderland, father of the more famous earl of that name, who figured, like so many others, with unprincipled versatility in the intrigues and ministries of James II. and William III. ; Robert Dormer, earl of Carnarvon, who had the reputation of a fine gentleman ; and Lucius Carey, commonly called the great lord Falkland. It is said that Falkland sought death from a presentiment of approaching events, and made his morning toilet with the declared anticipation of not surviving the day's fight.* He was an accomplished person, combining chivalrous royalism with respect for law and liberty ; yet not so much a stranger to ambition, intrigue, and equivocal practice on the eve of the rupture between the king and parliament, as he is represented by his friend Clarendon. The con-

* Whit. Mem. 73.

fidant of Hyde's infamous agency at that time, he could not be wholly innocent. He died in his thirty-fourth year, and owes his reputation less to his achievements than to the imperishable eulogies of his friend

Essex now moved on without opposition ; was met at Reading by a deputation of both houses ; and, on his arrival in town, was met and thanked in form by the lords and commons. This brilliant achievement covered Essex with glory, and the parliament once more raised its head.

The king's mistakes of policy and personal demeanour were no less injurious to him than those which he committed in war. Of the four lords who have been mentioned as discontented and intriguing, one, the earl of Northumberland, withdrew, with his pride and insignificance, to his castle at Petworth ; whilst the earls of Clare, Bedford, and Holland, the first circuitously and alone, the two last together and directly, joined the king at Oxford. Clare, the father-in-law and friend of Strafford, was soon disgusted with his treatment by Charles and his court, asked leave to retire, was denied and guarded, but effected his escape.* Bedford and Holland were seized as culprits on approaching the king's posts at Wallingford, then received as pardoned criminals, and treated with so much contumely that they took the first opportunity of returning to the parliament, where they were also rejoined by their brother deserter, Clare. The patriots readmitted these penitent intriguers with the indulgence of policy or contempt. It was a pleasantry of the day, that the three earls had rendered good service to the public cause by adhering to the parliament, after having tried both sides.

It cannot fail to have suggested itself, that the Scotch were in a position to turn the scale between the parliament and the king : it would be too much to say, that had they joined the king, his success would be certain. The genius and accomplishments of the popular leaders ; large masses of the people, actuated by

* Whit. Mem. 71.

religious zeal and the love of liberty ; in fine, those incalculable, impalpable resources of a great public cause, which have suggested the maxim in political ethics, that the patriot should never despair of freedom and his country, might triumph over the united strength of the king and the covenanters. But of such an alliance there appeared not the slightest probability. Hamilton, whom Charles had recently made a duke, is described by Clarendon as still sustaining himself by his duplicity and adroitness in managing adverse parties.* He promised the king great advantages from his influence and management with the parliament of Scotland ; failed even in obtaining “ from the king’s native subjects all that his majesty required of them, — that they would not rebel,” and came with his brother Lanerick, and other lords of Scotland, to the king at his head-quarters at Oxford. Montrose, who had already joined the king, accused Hamilton and his brother of treachery ; upon which the one was imprisoned, and the other fled to the parliament.

It was not until the middle of this year (1643), that the parliament resolved to call the Scotch to their aid. The natural unwillingness of all patriot spirits to make strangers parties in a domestic quarrel, and the desire to be indebted for the triumph of their cause only to their own virtue, may have had its share in this tardiness. But there was another reason ; the Scotch were intolerant presbyterians, whose object was less to obtain religious freedom than to propagate their church, and who would screw and torture conscience into conformity with it. A new party was by this time making progress in England — the independents — men who had the rare glory of combining religious enthusiasm with religious liberty, and abhorred the bigot spirit of presbyterianism no less than the domineering spirit of prelacy. The chiefs of this party were St. John, Cromwell, already distinguished, and the younger Vane. They were hitherto as inferior in power as they

* Clar. iv. App. E.

were superior in character and capacity to the presbyterian party, even in England ; and they were naturally indisposed to call in the Scotch who would side with their adversaries. But in the summer of this year the reverses of the parliament, the formidable position of the king, overcame all objection, and a commission was appointed to proceed into Scotland. Vane was intrusted with the chief conduct of the negotiation. He was well received by the states of Scotland ; but the latter proposed, as an indispensable condition of their aid, that the English parliament should take the solemn league and covenant. Vane, full of ardour and enthusiasm, political and religious, yet sagacious, supple, and insinuating, contrived a certain latitude in the language as to England.* The covenant was agreed to at Edinburgh and London, the sum of 100,000*l.*, obtained from the city, was sent into Scotland†, and preparations were made for marching in arms once more across the border. The king sent his commands to the Scotch not to take the covenant. They, in reply, “ humbly advised his majesty to take the covenant himself.” ‡

The chief ordinances of parliament and acts of the executive committee had reference to the raising troops and levying contributions. There are no exact or authoritative statements of the amount to which the nation was taxed in money or in kind for the main-

* The following is the chief article relating to religion : — “ That we shall sincerely, really, and constantly, through the grace of God, endeavour in our several places and callings the preservation of the reformed religion in the church of *Scotland* in doctrine, worship, discipline, and government, against our common enemies, the reformation of religion in the kingdoms of *England* and *Ireland*, in doctrine, worship, discipline, and government, according to the word of God, and the example of the best reformed churches ; and we shall endeavour to bring the churches of God in the three kingdoms to the nearest conjunction and uniformity in religion, confessing of faith, form of church government, directory for worship and catechising, that we, and our posterity after us, may as brethren live in faith and love, and the Lord may delight to dwell in the midst of us.

“ 2. That we shall in like manner, without respect of persons, endeavour the extirpation of popery, prelacy (that is, church government by archbishops, bishops, their chancellors and commissaries, deans, deans and chapters, archdeacons, and all other ecclesiastical officers depending on that hierarchy).” The words marked in italics were a saving for the independents.

† Clar. iv. 289.

‡ Whit. Mem. 77.

tenance of the war : royalist writers mention in a tone of triumph the excess of the burthens imposed by the parliament over those attempted by the king, including ship-money. The fact is undeniable ; but the argument fallacious. There was no analogy between permanent imposts against law and right, and the demand of temporary sacrifices in the emergency of a contest for all that was most dear to the nation. In London the pressure was disproportionally heavy ; but the capital had wealth and public zeal, and it was cheerfully borne.

The civil administration, however, which had been deranged and suspended in the first shock between the king and the nation, resumed something like its regular action in the course of this year. The great seal, it will be remembered, had been obtained from the lord keeper, and carried away to the king. After some time a new seal was made by order of the parliament, and placed 'in the hands of commissioners, among whom the chief were St. John and Prideaux. Lenthall, the speaker, was appointed master of the rolls, Selden keeper of the records, and Pym master of the ordnance.*

So many of the judges were either convicted of high crimes or deserted to the king, that but three remained with the parliament. They were commissioned to sit singly in the courts of king's bench, common pleas, and exchequer, and writs were issued from chancery, bearing the new seal. The three judges in Westminster-hall were Bacon, Reeve, and Trevor. Banks, Heath, Forrester, and Glanville, the last a renegade like Noy and Digges, but at a later period, were with the king. It was now expected that Charles would, as through his whole reign, make use of his judges as instruments of his despotism or vengeance. The defeat of Waller in the West placed Salisbury in his hands. He directed those four judges to open their commission at Salisbury for the trial of several peers and commoners as traitors in adhering to the parliament. The grand jury threw

* Whit. Mem. 77.

out the bills, and the commons impeached the judges of treason in their turn.*

This proved a year of reverses almost hopeless, overcome by resolution and sagacity unparalleled on the side of the parliament. Amongst its losses may be reckoned Pym, second only to Hampden in authority and usefulness. He died in September, of his labours of mind and body for the public cause. His poverty at his death gave the lie to the slanders of his virtue; and the parliament pronounced a substantive judgment upon his services and patriotism, by voting a sum for the payment of his debts, and for his interment with a public funeral in Westminster Abbey.

Charles, with all his experience, could not rid himself of the delusion that despotic power was a thing inherent and operative in his person. It occurred to him that he might put an end to the parliament by declaring it dissolved. Hyde (Clarendon), then his chancellor of the exchequer, made him comprehend that a dissolution, in the teeth of an act of parliament to which he was a party, and without the power to enforce it, would be regarded at Westminster as a mockery.† The next resource was, to summon an anti-parliament of royalist deserters, at Oxford: such was this prince's antipathy to parliaments under any circumstances, that he was brought to adopt this expedient only by the proof that it must be of necessity subservient to his will.‡

The Oxford anti-parliament assembled accordingly on the 22d of January, 1644. Its first act was an overture for peace, addressed to Essex in the form of a letter from the members of both houses who had answered his majesty's summons to meet at Oxford, and whose signatures it bore. Forty-three lords, the prince of Wales and duke of York at their head, and 118 commoners, signed it.§ The parliament at Westminster was described in it as "those by whom he (Essex) was trusted;" and the general, by order of the

* Whit. Mem. 79

† Ibid.

‡ Life of Clar. i. 86, &c.

§ For their names see Rush. v. 566, &c.

parliament, returned a brief answer, stating that any overture from the king must acknowledge the two houses at Westminster as the parliament of England, for which he and his companions in arms were ready to shed the last drop of their blood. The letter was publicly and contemptuously hawked through London as the petition of the prince of Wales and duke of York for peace.* A second experiment was made with as little success; peace was not the king's object. Had he apprehended that the mock parliament would seriously promote a settlement, he would not have called it.† This mongrel parliament, as it was termed by Charles with contemptuous ingratitude, having voted forced levies of money and men, which were executed wherever the royal standard had the ascendant, was dismissed about the middle of April.

Meanwhile the Scotch had crossed the Tweed, once more in arms under Lesley, now earl of Leven, 12,000 strong, horse and foot.‡ The unusual severity of the winter, about the middle of January §, had little effect upon the hardy and enthusiastic covenanters. Leaving Newcastle, with a strong royalist garrison, in their rear, they crossed the Tyne and advanced through Sunderland upon Yorkshire; whilst the marquis of Newcastle (lately raised to that dignity) hovered on their flank. The two Fairfaxes, father and son, defeated colonel Bellasis, whom Newcastle had charged with the military defence of Yorkshire; and Newcastle moved rapidly for the protection of York.

When a crisis was thus approaching in the north, Essex and Waller made a combined movement upon the king, in his head-quarters at Oxford. Charles escaped by a bold and skilful manœuvre, favoured, probably, by the want of sincere concert between the two parliamentary generals. He ordered a detachment out

* Declaration of the lords and commons at Oxford, Rush. v. 567.

† Life of Clarendon, ut supra.

‡ Whit. Mem. 79. Mr. Brodie (iii. 473.) says 20,000.

§ May, Short Mention, &c. 62.

of Oxford by the south gate, diverted the attention of Waller to the Abingdon route, and took advantage of the night to escape with 2500 foot and all his cavalry, between both armies, by forced marches to Worcester. Essex now directed his march to the west, leaving Waller in pursuit of the king, who turned upon his pursuer. The result was the battle of Copredy-bridge, in which the king was so successful that he directed the march of his army, now reinforced and victorious, in pursuit of Essex. It was proposed to him by some of his followers to advance upon London, and negotiate frankly with the parliament and the capital. He was resolved to enter London and dictate terms as a conqueror, and rejected this, like so many other prudent counsels.*

Fairfax, joined by the Scotch, invested York, which held out for the king. The presence of Newcastle prevented their completely investing the city; but the scale was soon turned in their favour by the coming up of Manchester from the eastern counties, with Cromwell his lieutenant-general, and commander of the cavalry. At the same time prince Rupert, sent by the king to the relief of York, joined Newcastle; and the combined army of besiegers, abandoning York, retired to Marston Moor. The opposing armies, under Rupert and Newcastle, Fairfax, Manchester, and Leven, are said to have been nearly equal in force, each about 25,000 strong.† But Rupert and Newcastle were discordant alike in their views and tempers; whilst Fairfax, Leven, and Manchester acted in perfect concert; and had two other advantages,—the valour and genius of Cromwell, and the courage of that body of horse called “Cromwell’s Ironsides,” who prayed and fought with equal fervour. It was their custom to sing a hymn to the “Lord of Hosts” at each onset, and their practice has been treated with levity and ridicule. Were they Athenians or Spartans singing “the hymn of Har-

* Clarendon.

† Brodie, iii. 481.

modius," or "the *pæan*," we should laud their mingled valour and devotion as the acme of classic heroism.

The parliamentarians, it has been observed, retired from the siege. Rupert, not content with revictualling and reinforcing the garrison of York, resolved to pursue and give battle to the combined army: Newcastle having tried in vain to dissuade him, left him to act on his own responsibility. The parliamentarians were in full march upon Tadcaster, when they discovered Rupert's cavalry advancing in pursuit of them: they immediately wheeled round, and drew up in order of battle, with a drain or ditch in their front, the right commanded by sir Thomas Fairfax, the centre under lord Fairfax and Leven, the left under Manchester and Cromwell. Prince Rupert came up slowly, discharged some pieces of artillery, which were answered, and faced the parliamentarians in perfect inaction during two hours. The battle was begun by the parliamentarians at seven in the afternoon. Cromwell, on the left, by an impetuous and admirably directed charge, routed the royal cavalry: prince Rupert, meanwhile, had routed and was in full pursuit of the parliamentary left and left centre. Each side supposed itself the victor, when, to their mutual astonishment, the victorious wings wheeling upon their respective centres to the right and left, encountered each other. Cromwell was wounded, and his cavalry appeared unsteady*, but general David Lesley came to his aid; the royal cavalry was utterly routed, and the infantry fled in confusion without a show of resistance. The royalists lost, in short, every thing: York opened its gates to the parliamentarians, and Rupert and Newcastle, each reproaching the other, retired, the one with the wreck of the army towards Chester, the other to the Continent.

Rupert was arrogant, impetuous, and unenlightened; Newcastle was a frivolous courtier, who loved the arts

* Holles's charge of cowardice against Cromwell in this action (*Memoirs of Denzil Holles*), on the faith of general Skeldon Crawford, an enemy of Cromwell, has received so little credit that it scarcely deserves passing mention.

of painting, music, and horse-dressing, and is described as "a fantastical virtuoso on horseback," by bishop Warburton.* No other result could have been reasonably expected from so inauspicious a conjunction in military command. The Scotch stormed the town of Newcastle soon after the fall of York, and the parliament was triumphant in the north, — hitherto the strength of the king.

The queen's departure from England and from her husband for ever at this period should be particularly mentioned. Both Louis XIII. and Richelieu died in the preceding year, and the queen regent, Anne of Austria, as well as her minister, cardinal Mazarin, were better disposed towards Charles and Henrietta. Senneterre, the envoy of Louis XIII., or rather of Richelieu, who ruled despotically both the kingdom and king of France, was recalled, and the duc d'Harcourt, of the house of Lorraine, sent over by the desire of Henrietta in his stead. He offered his mediation to the parliament, addressing them only as private gentlemen. They told him that if he had any communication to make from his court to the parliament of England, it would be listened to if properly addressed. He disclaimed having any commission; the purpose of his coming over, and the queen's influence, were discovered, and he received orders to depart. The parliament began already to infuse into its foreign relations the spirit and vigour which were soon to distinguish the commonwealth.

France was now open to the queen. She was delivered of a daughter at Exeter, in June, and desired in the following month a safe-conduct from Essex, to proceed for her health to Bath or Bristol. He answered by offering her, with a formality which seems sarcastic, a safe-conduct to London, where she should have the advice of the best physicians. This she of course rejected, and on the 14th of July sailed from Falmouth for France. Essex was a formalist in military obedience and honour, and his admitting the queen into Bristol might have

*Notes on Clarendon, iv.

compromised him with the parliament. His refusal notwithstanding is a stain upon his character ; but the very importance given to it shows the general prevalence of gallantry and generosity in the civil war.

Essex soon after met with a ruinous and humiliating defeat. He proceeded to make the conquest of the West, against the express desire of the parliament, which had assigned that charge to Waller ; and made his first essay in relieving Lyme, an inconsiderable place, defended, with his characteristic resolution and gallantry, by Blake, afterwards the famous admiral, against prince Maurice. The prince abandoned the place on the approach of Essex. Weymouth opened its gates to him without his firing a gun.

The king meanwhile, disengaged from Waller by the defeat of Copredy-bridge, pressed close upon Essex. The latter, instead of confronting him, retired into Cornwall. Charles and prince Rupert pressed still more closely upon him ; but the king's first operation was to attempt corrupting his fidelity to the parliament by splendid promises to him and his army, for the performance of which he pledged what he so frequently prostituted — the word of a king. But Essex, with his faults, had nothing in common with the infamous general Monk, and he referred the king to the two houses of parliament at Westminster. The king now hemmed him in between two rivers in a position where he could neither fight nor subsist. The parliament failed or was unable to send him relief. In this extremity he directed his cavalry to attempt their way between two royalist divisions, in which they succeeded, and having left Skippon to negotiate the capitulation of the infantry, withdrew by sea to Plymouth. His infantry, having laid down their arms, were permitted to join the next posts of the parliamentary army.

Essex wrote from Plymouth to the parliament an account of his disaster. The answer assured him of full confidence in his faith, and immediate measures for repairing his losses. His army was accordingly reorganised, and both Waller and Manchester commanded

to bear upon the king's line of retreat from the western counties upon Oxford. Charles's retreat, from necessity or the want of military qualification, was slow. The parliamentary generals were enabled to concentrate their forces, and the result was the second battle of Newbury on nearly the same ground as the first. Essex, from illness real or pretended, was not with the army.* The command devolved upon Manchester, who had with him Cromwell as general of the cavalry. Charles had the advantage of numbers. The two armies skirmished on the 26th of October: next morning the parliamentarians advanced in two columns. The troops which had laid down their arms in Cornwall were eager to retrieve their honour; and that portion of the infantry soon forced the royalists back upon Newbury and Dennington. The parliamentary left was victorious; on the right they were less fortunate. After three hours fighting they retired, leaving behind them two pieces of ordnance, and protected from rout and carnage in their retreat only by the firmness and devotion of Ludlow's horse. Victory and defeat were thus balanced, and the king was permitted to retire upon Oxford. Cromwell was anxious to pursue the king's march with his cavalry, but was controlled by Manchester, against whom he made it a ground of complaint: thus ended the campaign of 1644.

Blood was flowing meanwhile upon the scaffold as well as in the field. The execution of the Hothams, father and son, has been stated. Sir Alexander Carew of Cornwall was condemned and executed for an attempt to procure the admission of the king's troops by secret treachery into Plymouth. There is another death on the scaffold which cannot be mentioned without execration — that of archbishop Laud. That he deserved punishment in the eye of man, and, if it be not presumptuous to say so, in the eye of God, is manifest; but to take away the old man's life was atrocious.

Laud had now lain near three years in prison under

* Rush. v. 720. See Whit. Mem. 86.

a charge of treason. He was past seventy years, and the painful infirmities of disease were added to those of age. His trial was precipitated by his refusal to collate to a living against the express command of the king. The lords, who claimed the right of naming to the benefice, called upon the commons to proceed with his trial, as a punishment for his disobedience, and the latter immediately appointed a committee to manage the impeachment. The getting up of the prosecution was confided to Prynne. It was like placing the archbishop under the claws and fangs of a tiger. Prynne had injuries the most deep and dreadful to avenge, and the reproach lies upon those who admitted or selected him. He began by ransacking and conveying away the archbishop's papers, even to his means of defence. Laud was accused, in various articles, of endeavouring to subvert the privileges of parliament, and the laws and religion of the realm. The substantive acts charged upon him are those which have been mentioned in the preceding pages. His written diary was carried away by Prynne; his expressions in conversation were also brought against him; and the horrible doctrine of accumulative treason was urged in his case, with the barbarity of lawyers and the bigotry of presbyterians of that day, by Wild and Maynard. He defended himself with courage, capacity, moderation, and humbleness. His speech on the scaffold, his bearing, his death, form one of the noblest pictures which have come down of that combination of humble piety and elevation of soul, of that true Christian spirit, in short, of which there are unhappily so few examples. Sir John Colworthy, a presbyterian, disturbed his last moments on the scaffold by catechising him in a spirit of malignant bigotry. It is said that a ray of the sun falling on his face showed his cheek florid and his eye serenely bright, as he was about to lay his head upon the block. His death may be ascribed to the persecuting spirit of the presbyterians, including the particular hatred of the Scotch covenanters. The independents were by this time a party,

and they are clear of this stain upon the parliamentary cause.

Laud was attainted by ordinance, the proceeding by impeachment having been abandoned in his case, as in Strafford's. The archbishop was guilty of cruel persecution ; he made an odious use of the star-chamber, and its chief minister, the public executioner ; but Laud only mutilated, whilst his presbyterian adversaries decapitated. He carried his notions of church power to an intolerable height ; but he was sincere ; there was more of religious zeal than spiritual ambition in his proceedings. The most grievous matters of charge against him would now redound to his credit. He laboured to invest the public worship with decent pomp, and he extended the limits of Christian salvation. This was called idolatry and Arminianism. Laud was despotic rather than intolerant. His great misfortune was, that his talents were wholly unequal to his situation and his views. He was declared guilty, by a small majority of a thin house, on the 4th of December, and executed on the 10th of the following January.

His death is said to have deeply affected the king, whose prohibition was indirectly the cause of it ; but of the grief of Charles in the cause of Laud or any other, even that of Strafford, there are reasons to question at least the extent. The selfish sense of privation seems in both cases to have been predominant with him. This is expressly shown in the case of Laud. He drew from the death of the ill-fated prelate the selfish consolation that he had no share in it ; and that the crime would call down God's wrath upon the rebels, as he called them, for his benefit.*

Religion had a profound influence upon the contests, civil and military, between Charles I. and the long parliament. There was sitting in Henry VII.'s chapel in Westminster Abbey, during the preceding military operations and parliamentary proceedings, an assembly or synod of divines for the reformation of religion. The

* Letter to the queen.

assembly commenced its sittings in Midsummer of the preceding year. It consisted of 120 divines, selected by both houses, with the addition of ten lords and twenty commoners, sitting as lay members. Upon one point the assembly may be said to be agreed—the abolition of prelacy. Some prelates had been named; among them were Browning bishop of Exeter, Prideaux of Worcester, Westfield of Bristol, Usher primate of Ireland, Morley of Winchester, Saunderson of Lincoln, Hacket of Lichfield, and Hammond, one of the royal chaplains. Few of those attended the summons, and those few, perceiving the prevailing spirit of the assembly, soon withdrew. Episcopacy was now unrepresented. The points in dispute were between the presbyterians and independents, that is, whether church government, with the gradations and machinery of prelacy, should be exchanged for the organisation of presbytery in classes, synods, and assemblies, with all the power arrogated by prelacy, whether popish or protestant, of censuring, suspending, depriving, and excommunicating;—or whether religious conscience, the communion of the soul with God, should be wholly emancipated from the secular power. Such is the principle of independency. No word is more variously employed than the word church. With some it means the mere edifice; with others the temporal revenues of the priesthood; with the presbyterians of this age it meant a certain iron formula of doctrine, to which conscience must screw itself or perish. With the independents the church was an assembly of believers, voluntarily agreeing and meeting in prayer, and with the church, so constituted, they maintained that the temporal authority had no right to interfere.

There were in this communion called independents, men of admirable genius, men whose minds were enlightened and exercised, men who gazed, with an unwinking eye, upon the highest and brightest principles of religious toleration. These maintained that difference of opinion on religion as on other subjects was the inevitable result

of the infirmity of human judgment, the influence of education, the accidents of the men and the books with which each individual had been most conversant through life, and that religious conscience therefore should be as free as the air. They, upon this principle, frankly conceded to others the liberty which they claimed for themselves; and their sect, if it should be so called, admitted great varieties of opinion in its bosom; they contended, in short, that error should be endured, that truth is struck out of discussion, and that the state should guarantee the freedom of speech and of the press.

It is obvious that the harsh, rude, naked tyranny of presbyterianism must be quite as revolting as the more gorgeous yoke of prelacy to those free minds. The impression of presbyterianism likely to be entertained by them is sketched with congenial eloquence by Mr. Godwin.* “Next comes the presbyterian system, not less exclusive and intolerant, and impressed with no less horror of the blasphemy and perniciousness of sects than the former. Its chief distinctions are, the comparative moderation of its emoluments, and the plainness of its garb. The clergy of the church of Scotland were habited with something of the same unambitious sadness as we see in paintings of the fathers of the inquisition. But this is, in certain respects, a disadvantage. He that lords it over me, and would persuade me that he is not of the same ignoble kind as myself, ought, perhaps, to be clad in robes, and covered with ermines and gold. It is some mitigation of my sufferings. I should be glad to be deluded and dazzled to the last. It seems natural that human beings should prefer, like the widow of Benares, to die amidst the clangour of trumpets and the soft breathing of recorders, to the perishing by the deformed and withering blow of undisguised cruelty.”

Among the chiefs of the independents were St. John, the younger Vane, Selden, Whitelock, Cromwell. To them also belongs the glorious name of Milton. It was at this period, and in this controversy,

* Godwin, i. 343, 344.

that he wrote his immortal treatise on unlicensed printing, under the name of *Areopagetica*. It would be almost presumptuous to attempt to characterise, even by a passing epithet, the image which he presents of the agitation — the commotion — of mind, at this moment in the capital. “Behold,” says he, “behold now this vast city ; a city of refuge, the mansion-house of liberty, encompassed and surrounded with his (God’s) protection ; the shop of war hath not there more anvils and hammers waking, to fashion out the plates and instruments of armed justice in defence of beleaguered truth, than there be pens and heads there, sitting by their studious lamps musing, searching, revolving new notions and ideas wherewith to present, as with their homage and their fealty, the approaching reformation : others, as fast reading, trying all things, assenting to the force of reason and convincement. What could a man require more from a nation so pliant and so prone to seek after knowledge ? What wants there to such a towardly and pregnant soil but wise and faithful labourers, to make a knowing people a nation of prophets, of sages, and of worthies ?”*

The following image of the nation has been frequently quoted, but should never be omitted in any portraiture of this heroic age : — “Methinks I see in my mind a noble and puissant nation rousing herself, like a strong man after sleep, and shaking her invincible locks. Methinks I see her, as an eagle, mewing her mighty youth, and kindling her undazzled eyes at the full mid-day beam ; purging and unscaling her long abused sight at the fountain itself of heavenly radiance ; while the whole noise of timorous and flocking birds, with those also that love the twilight, flutter about, amazed at what she means, and in their envious gabble would prognosticate a year of sects and schisms.” †

The independents in parliament were a minority in number. They were a still smaller minority in the assembly of divines. Their number is stated by an eye-

* Milton, 115. Fol. 1834.

† Ibid. 116.

witness to have been only ten or twelve. The overwhelming majority was presbyterian, rendered still more rancorously intolerant by the four commissioners of the church of Scotland, who again were emboldened by the reverses of the parliament and the presence of the Scotch army of the covenant. "We purpose," says Baillie, one of the commissioners, "not to meddle in haste with a point of such high consequence, (the establishment of uniformity in church government,) till it please God to advance our army, *which we expect will much assist our arguments.*"* It is easy to perceive how hopeless was the the cause of religious liberty and unlicensed printing, so cherished by the independents, in the assembly of divines.

Nothing remained to them but dextrous talents and the force of reason. They presented to the assembly "a plea for tender consciences," and a similar "plea" was urged at the same time in the commons by Cromwell, in the house of lords by lord Say, — supported by Vane, St. John, and lord Wharton. The presbyterians in the assembly of divines were distracted and alarmed by this manœuvre of the independents, with Cromwell at its head, and the army, that of Manchester at least, all independents, in his train. After eighteen months sitting, the liturgy was abolished, and a "directory for public worship" established in its place. The "directory" was a compromise, which left much to the humour or capacity of the minister who prayed and preached. The ordinance of parliament abolishing the one and establishing the other, was published four days before the execution of archbishop Laud.

There is another sign of the growing strength of the independents at this period. Charles entered into a secret negotiation with Vane and St. John. It was discovered by Essex, who was a presbyterian, and the two negotiators denounced by him in the house of lords as traitors. Two such men as St. John and Vane were little likely to commit either their safety or their fidelity.

* Baillie's Lett. i. 401.

They conducted the intrigue with the knowledge of a committee of the house of commons, and were honourably acquitted, whilst Essex was thanked for his vigilance and zeal.

1645. Previously to entering upon the campaign of 1645, another affair remains to be mentioned, — the treaty of Uxbridge. Both the king and the parliament have been severely judged for their conduct in this negotiation. That it could not have produced peace seems all but certain. The king was resolved to lay down his arms only upon the terms of being invested with such substantive power, as would balance that of the parliament, or rather of the house of commons. He was urged by the queen in every letter not to compromise his honour or desert his friends; and it is stated by Lord Clarendon, with great probability of truth, that he was expressly pledged to her not to make peace without her consent. The parliament on the other side still adhered to their leading though unavowed principle, — to hold the king tied hand and foot, until he should have gone through such a probation of time, as would render the new guarantees of public liberty, and their own lives, liberties, and properties, secure against his perfidy. Supposing the king to consent to the extirpation of prelacy, but still to insist upon the command, or even a direct and substantial share in the command, of the army, peace was morally impossible.

Was the parliament justified in requiring the king to place himself absolutely in their hands, stripped of all power? It seems not easy to deny the affirmative. Few who have perused with any degree of care his measures and his maxims, from the commencement of his reign to the treaty of Uxbridge, can fail to be convinced, that his first use of any power with which he was intrusted, upon the first feasible or unfeasible occasion, would be, to annul every concession which he had made, avenge in blood every act of resistance to him in parliament and in the field, upon persons whom he called rebels and traitors, with

various epithets of execration or animosity. "Believe," he writes to the queen, "that I have a little more wit than to place confidence in the fidelity of perfidious rebels." He would have been restrained neither by the obligation of his pledged faith, nor by prudence. All concessions made by him would be revoked as things extorted by lawless force, like promises made by a captive to a bandit or a pirate; and as for acquiring prudence, the most incorrigible of human creatures is a despotic prince.

But supposing on the other hand that he placed himself at the mercy of the parliament, and was reduced by it to "the condition of a duke of Venice," which he so often declared he would rather die than suffer, it is plain that he might have the pomp of royalty, his personal freedom, and the prospect of the return of its substantial power to the crown on his own head or that of his son. Upon the king therefore justly rests the failure of the negotiation about to be briefly mentioned.

Propositions for peace in the name of both kingdoms, drawn up by Johnstone of Wariston, one of the Scotch commissioners, were presented to the king at Oxford in the beginning of November by lords Denbigh and Maynard, commissioners for the house of peers, Pierrepoint, Holles, and Whitelock, for the house of commons. Charles had now reassembled his mock, or as he called it, mongrel parliament, and was nearly as much dissatisfied with it as with that of Westminster. He spoke of the one with fear and hatred, of the other with ingratitude and contempt. The majority of his Oxford parliament, who had lives to be proscribed and estates to be confiscated, and some few perhaps who recollected they moreover had a country, urged upon him the necessity of a pacification. He consented to receive the commissioners, but with insult; after the propositions had been read, he asked the commissioners whether they had power to treat. They replied, their commission was only to submit the propositions and receive his answer. "Then," said he, "a letter carrier might

have done as much." He was answered by the earl of Denbigh with some spirit, "I suppose your majesty looks upon us as persons of another condition than letter carriers." The propositions excepted several persons by name: among them the princes Rupert and Maurice, who were present; they laughed in derision, and were rebuked by the king.*

In three days the king's reply was sent under seal to the commissioners; they desired to know the contents, and it was accordingly read to them, but with the insulting and ungracious observation from the king, that "It was nothing to them what they carried; it might be, if he chose to send it, the song of Robin Hood and Little John." They intimated to him, that he misunderstood their business; and, observing that it bore no address, desired to know for whom it was intended. Charles answered, "For those that sent you." They declined it, and were about to return, when Whitelock and Holles were summoned to attend the king. His object was, probably, to win them over, for his opinion of his own adroitness and of human nature disposed him to the constant resource of intrigue and corruption. He however said, that instead of giving an immediate answer, he should send the duke of Richmond and earl of Southampton with it, as soon as they should have a safe-conduct from the earl of Essex. The same difficulty again prevented itself. Essex would not grant the safe-conduct, unless asked from him as general of the army of the parliament of England. The condition, that is, the recognition of the parliament, was complied with, and the two earls sent upon their mission. It appears, from the following passage in his letter, written at the moment to the queen, that the king acknowledged the parliament with a perfidious mental reservation: — "As to my calling those at London a parliament, if there had been two, besides myself, of my opinion, I had not done it; and the argument that prevailed with me was, that the calling did nowise ac-

* Whit. Mem. 114.

knowledge them to be a parliament ; upon which condition and construction I did it, and no otherwise: and accordingly it is registered in the council books, with the council's unanimous approbation."

The king's envoys had instruction to act as secret emissaries in London, offering the independents liberty of conscience, and alarming the presbyterians and covenanters about the designs against the existence of monarchy. Their ostensible mission was only to propose the nomination of commissioners to treat on either side, and the parliament, aware of their intrigues, soon dismissed them.

Commissioners were accordingly appointed, and the negotiations, by mutual agreement, were to be carried on at Uxbridge. On the part of the parliament, Northumberland, Pembroke, Salisbury, and Denbigh, Vane, St. John, Crewe, and Prideaux, were added to those who had already been the bearers of propositions to Oxford. They were charged, in substance, to insist upon the terms already offered to the king. The chief points were, — the abolition of episcopacy ; the substitution of the directory of public worship for the common-prayer book ; the command of the army and navy to be placed in the disposal of the two houses ; the renewal of hostilities in Ireland (the king had given peace to the Irish rebels under circumstances which created suspicion and obloquy). The king's commissioners offered his accession to a sort of synodical prelacy, like that proposed by Usher, but would not concede absolutely the power of the sword, or break with the Irish, to whom his faith was pledged. He somewhat relaxed his demand as to the militia, by a proposition that, for three years, it should be vested in commissioners, half chosen by the parliament, half by him. But it was obvious, that he who should command exclusively at the end of three years would be no less absolute during the intervening period of expectancy. The parliament proposed that the command should be vested in the parliament for seven years, to be then

finally settled by statute. It is here observable, that the parliament avowed expressly their principle of seeking only a temporary guarantee for the public liberty. Twenty days were settled as the limit of the negotiations; and no progress having been made, nor being likely to be made, the parliament, upon the expiration of the time, recalled their commissioners.

This result might have been anticipated to a moral certainty, not only for the reasons before stated, but for some others. Charles had hopes from the Irish catholics, whose interests were strongly espoused by the queen. Montrose, with only a band of 1500 Irish in the first instance, was making war as a partisan in Scotland with singular success. His activity and resources in desultory mountain warfare led to successes really prodigious, of which the value was overrated by his sanguine temper and the king's readiness to catch at any delusion that flattered his love of despotism. He attacked and routed Argyle in his stronghold within the mountains of Inverary, and promised himself and the king the conquest of Scotland. But he made only a war of predatory incursion and devastation, securing no conquest of a strong place or territory as he passed, and his eccentric successes terminated in one campaign.* The negotiation at Uxbridge took place in the height of his successes, which were naturally supposed to increase the king's reluctance to make peace with the parliament. He, however, had no thought of peace from the beginning: writing to the queen at the very threshold of the negotiations, he says,—

“ I assure thee that thou needest not doubt the issue of this treaty, for my commissioners are so well chosen (though I say it), that they will neither be threatened nor disputed from the grounds I have given them; which, upon my word, are such as we had formerly determined on.”

As a preliminary to the campaign of 1645, parliament passed the self-denying ordinance, and made that

* Rush. v. 928, &c. Clar. v. 246, &c.

change in the organisation of the army, which was called the new model. The author or the authors of those two measures, the one reconstituting the command, the other recasting the body of the army, may be said, in the language applied to the minister of war * of a modern republic, "to have organised victory." Both measures bear the impression of Cromwell's genius, civil and military; and it may be further evidence of his share in them, that he was the person who was chiefly benefited.

Dissensions among the military chiefs would naturally spring up from rivalry and ambition. These were rendered still more violent by the growing opposition between the presbyterians and independents. Manchester, like Essex, was of the presbyterian party. It appears, however, that Cromwell and Manchester acted in perfect harmony; and that Cromwell, intent only on the public cause, surrendered to his superior the credit of successful operations which were really his, up to the appointment of Crawford as major-general. Crawford, an artful sycophant, and a presbyterian, alienated Manchester from Cromwell. The second in command was thus at variance with the two officers immediately over and immediately under him. He accused Manchester in parliament †, and called for a council of war upon Crawford. The parliament, dissatisfied with Manchester's failure to pursue the king, after the second battle of Newbury, ordered Cromwell's charge to be inquired into. Manchester vindicated himself at great length in the house. Cromwell's accusation was in substance as follows: —

"That the said earl hath always been indisposed and backward to engagements, and against ending of the war by the sword, and for such a peace to which a victory would be a disadvantage; and hath declared this by principles express to that purpose; and a continued series of carriage and actions answerable. And since the taking of York, (as if the parliament had now

* Carnot.

† Rush. v. 732, &c.

advantage full enough,) he hath declined whatever tended to further advantage upon the enemy, neglected and studiously shifted off opportunities to that purpose (as if he thought the king too low, and the parliament too high), especially at Dennington Castle. That he hath drawn the army into, and detained them in such a posture, as to give the enemy fresh advantages ; and this before his conjunction with the other armies, by his own absolute will, against or without his council of war, against many commands from the committee of both kingdoms, and with contempt and vilifying those commands. And since the conjunction, sometimes against the council of war, and sometimes persuading and deluding the council to neglect one opportunity with pretence of another, and that again of a third, and at last by persuading that it was not fit to fight at all."

Manchester recriminated :— " At our first drawing," says he, " up of our armies towards Newbury, when the king lay there secured in his quarters, it was resolved, that our armies should be divided ; that my lord general's foot and city brigade, with the most of all the horse, should march to the west side of Newbury ; and that the foot under my command, with some horse, should remain on the east side, and that as soon as I should by some warning pieces see that they were engaged, then I should make my engagement for a diversion. This command was obeyed by me, and it pleased God, through the valour of my lord general's foot and horse, we had a very happy success of that service ; but where those horses were that lieutenant-general Cromwell commanded, I have as yet no certain account. After this (to omit our marching from Newbury towards Abingdon, and return thither again, all which was by the advice and consent of the council of war), the king having gathered all his forces together, draws them down towards Wallingford, and our constant intelligence gave us that he intended the relief of Dennington Castle ; wherefore, upon the Thursday, my intelligence

being confirmed, I sent unto major-general Skippon, to consult what was fittest to be done. We both resolved, that in regard all our horse were quartered so far from us, it was necessary to call them to a rendezvous the next day, that so they might be the nearer to us and ready for any present service. Hereupon major general Skippon and myself writ to sir William Balfour, that he would please to command my lord general's horse the next day, which he accordingly did. I sent likewise unto lieutenant-general Cromwell, to give the like orders to my horse, but he came unto me and in a discontented manner expressed himself, asking me whether I intended to flea my horse, for if I called them to a rendezvous I might have their skins, but no service from them. I told him that my opinion was, that it was absolutely necessary, for if it were not done, I doubted if we should have them present when we had most use of them; yet he persisting in his dislike of it, I told him he might do as he pleased."

Cromwell, by Manchester's account, further declared, to the danger and dishonour of the peerage, "that it would never be well with England until the earl of Manchester was made plain Mr. Montague; that the assembly of divines was a pack of persecutors; and that if the Scots crossed the Tweed only to establish presbyterianism, he would as soon draw his sword against them as against the king." These expressions were at least probable, and in character: Cromwell as yet was full of republican enthusiasm, political and religious. It is somewhat extraordinary that more of these indiscreet explosions of secret sentiment are recorded of him than of any other leader of his time. But a mind of great vigour and impetus cannot be always on its guard, and will dissemble only upon an adequate occasion: constant dissimulation is a sign of staminal weakness of mind and character. The main question was, whether Manchester was not reluctant to obtain a complete victory for the parliament over the king. It has been observed, that Essex also was anxious only for such a

success as should produce a compromise by which the king should be restored under restrictions.

Essex further shared the presbyterian and Scotch hatred of the independents and of Cromwell. Overawed by the superiority of Cromwell, he descended to cabal against him. Holles, Stapleton, Meyrick, and Loudon the chancellor of Scotland, met in secret at Essex House. Essex invited Maynard and Whitelock to meet them, and they came upon his summons. The Scotch chancellor addressed to them a speech, in which he denounced Cromwell as "an incendiary" and "enemy of Scotland, the kirk, and the lord-general."—"You ken vary weel," says he, "that lieutenant-general Cromwell is no friend of ours; and since the advance of our army into England, he hath used all underhand and cunning means to take off from our honour and merit towards this kingdom,—an evil requital of all our hazards and services. But so it is, and we are nevertheless fully satisfied of the affections and gratitude of the gude people of this nation in general.

"It is thought requisite for us, and for the carrying on of the cause of the twa kingdoms, that this obstacle or *remora* may be removed out of the way, whom we foresee will otherwise be no small impediment to us, and the gude design we have undertaken. For he not only is no friend to us, and to the government of our church, but he is also no well-willer to his excellency, whom you and we all have cause to love and honour; and if he be permitted to go on in his ways, it may, I fear, endanger the whole business; therefore we are to advise of some course to be taken for prevention of that mischief." *

The two English lawyers dissuaded any proceedings against Cromwell without better grounds. They declared, "that, for their own parts, they take lieutenant-general Cromwell to be a gentleman of quick and subtle parts, and one who hath (especially of late) gained no small interest in the house of commons; nor is he

* Whit. Mem. 116.

wanting of friends in the house of peers, nor of abilities in himself to manage his own part or defence to the best advantage; therefore, it would be requisite to be well prepared against him before he be brought upon the stage."*

Holles and Stapleton were eager to proceed; but the Scotch were more cautious, and the suggestion of White-lock and Maynard was acted upon.

Cromwell was fully aware, yet affected ignorance, of this conclave, and was not diverted or moved by fear or vengeance. At this period, and, perhaps, up to a much later, he appears wholly devoted to the public cause. He laboured to republicanise the popular mind in religion and government. The man who already contemplated usurpation would not thus promote the great obstacle to his success. He seems to share at this moment with St. John and Vane the direction, not only of the independent party, but of the house of commons. They are supposed to have framed the great scheme, now ready to be produced, of the self-denying ordinance and the new model.

On the 9th of December, whilst military operations were suspended, and both sides retired to their winter quarters, the commons, after a long debate, went into a committee of the whole house on the state of the nation. There was a deep pause for some moments, "one looking," says Rushworth, "upon another, to see who would break the ice." It was broken by Cromwell. "Without," says he, "a more speedy, vigorous, and effectual prosecution of the war, casting off all lingering proceedings like soldiers of fortune beyond the sea to spin out the war, we shall make the kingdom weary of us, and hate the name of a parliament. For what do the enemy say? nay, what do many say that were friends at the beginning of the parliament? Even this; that the members of both houses have got great places and commands, and the sword into their hands, and what by interest in parliament,

* Rush. vi. 3.

and what by power in the army, will perpetually continue themselves in grandeur, and not permit the war speedily to end, lest their own power should determine with it. This I speak here to our own faces is but what others do utter abroad behind our backs. I am far from reflecting on any : I know the worth of those commanders, members of both houses, who are yet in power."

This was an announcement of the self-denying ordinance. He, however, deprecated any investigation of the conduct of the commanders. "I would," said he, "recommend to your prudence, not to insist upon any complaint or oversight of any commander in chief upon any occasion whatsoever ; for, as I must acknowledge myself guilty of oversights, so I know they can rarely be avoided in military affairs ; therefore, waiving a strict inquiry into the causes of these things, let us apply ourselves to the remedy which is most necessary."

The house of commons, with the wisdom of the great spirits who guided its counsels, accordingly declined sounding that delicate and ungracious question — left the reputation, faith, and services of Essex and Manchester unstained — and applied a general, radical, and effectual remedy. The first step in this process was the following resolution : — "That no member of either house of parliament shall, during the war, enjoy or execute any office or command, military or civil, and that an ordinance be brought in to that purpose." It was proposed by Zouch Tate, and supported by one of its framers, the younger Vane. Whitelock appears to have been its chief opponent. It was proposed on the 9th, reported to the house on the 11th, passed on the 19th, and carried up to the lords on the 21st of December.

Here, as might be expected, it was opposed and retarded. The presbyterians, with Holles at their head, were defeated in the commons, first in their general resistance, next in their attempt to procure an ex-

emption in favour of Essex. The latter, indeed, would have been equivalent to the former. After several messages from the commons to the lords, and several conferences of both houses, the lords, on the 13th of January, negatived the ordinance in the presence of the whole house of commons, which attended them on that day.*

The commons meanwhile were employed upon the new model. It was proposed in the committee of both kingdoms. The three armies of the parliament were to be formed into one — consisting of 14,000 foot, 6000 cavalry, and 1000 dragoons, not then reckoned as part of the latter arm — under a general-in-chief, lieutenant-general, major-general, thirty colonels, and the due proportion of other officers. Sir Thomas Fairfax was named general-in-chief, and Skippon major-general. Among the colonels appears the name of Algernon Sidney; the other colonels were men of whom some were already distinguished, and will soon appear more conspicuously on the scene. After some slight alterations it passed the lords on the 15th of February, and sir Thomas Fairfax was summoned to assume his proud command. Four members of the house of commons introduced him into the house; a chair was prepared for him, but he declined it, and stood uncovered whilst the speaker thanked him for his past services, invested him with his commission, and assured him of the confidence and support of parliament.

One of the three chief officers, the second in command and general of the cavalry, was not yet appointed. It is said to have been reserved for Cromwell, a member of the house, and afterwards especially excepted from the ordinance. The self-denying ordinance was again passed by the commons, and again sent up, with a material alteration, to the lords. It only discharged the present officers from their commands, without disqualification for the future. The great executive officers of the seal and

* Rush. vi. 7.

admiralty were also excepted. On the 2d of April, Essex, Manchester, Denbigh, and Warwick laid down their commands, and next day the ordinance was passed. It would appear that the lords were actuated in their resistance less by the immediate effect of the ordinance, than by the suspicion of a design of the commons to abolish the peerage. The commons, by a formal declaration, disavowed it with abhorrence, and assured the lords "that they should ever be as tender and careful to maintain the honour and rights of the peerage of England as their own." *

Fairfax, on the same day, established his headquarters at Windsor, and with the aid of Skippon, soon and skilfully executed the new organisation and recasting of the army. Some slight signs of reluctance and insubordination were easily overcome. A committee of both houses was appointed to offer the thanks of parliament and their country to the four peers, and report what rewards were due to them for their services, and the losses which they had sustained in their private fortunes. Essex was voted a pension of 10,000*l.* a year out of delinquents' estates, "as a compensation for his losses," died in the following year, and was buried with the most distinguished honours.

The war was renewed in the spring. The chances of the campaign seemed against the parliament, and in consequence of the new model: the public was not yet disenchanted of the notion, that plain men full of virtue and vigour, without experience or the rules of art, were incapable of winning battles, and that fleets and armies must be commanded only by old soldiers and great earls. "The army," says May †, "was no way glorious either in the dignity of its commanders or the antiquity of the soldiers. Never (he continues) did an army go forth to war, who had less the confidence of their own friends, or were more the object of contempt

* Rush. vi. 14.

† May, Short Mention, &c. 61.

to their enemies ; and yet who did more bravely deceive the expectations of them both." Their successes he ascribes, under God, to their moral and religious as well as military discipline. "The usual vices of camps," says he, "were here restrained. The discipline was strict. No theft, no wantonness, no oaths, no profane words, could escape without the severest castigation ; by which it was brought to pass, that in this camp, as in a well-ordered city, passage was safe and commerce free." The state of the king's army presented in all those respects a direct contrast. The officers took pride in the profligacy of their language and their lives ; and the common soldiers were, out of the field, a disorderly and dissolute rabble.* The king therefore, with his superiority both of fortresses, extent of country, and numerical force, was destined to fall before the new-modelled army of the parliament in the first great onset.

Charles had his head-quarters at Oxford, the centre of the kingdom, with a preponderance in the midland counties ; commanded almost the whole of the western districts ; had some places in the north ; and was complete master of Wales. He appointed the prince of Wales commander-in-chief, with the direction of all operations confided to prince Rupert, nominally second in command. The first operation of Fairfax was for the relief of Taunton, defended with the same skill and valour as Lyme, by Blake. He detached colonel Weldon with 7000 men on this service, and the town when reduced to the last extremity was relieved without a blow. In the first action after the new model victory was on the side of the king. Prince Rupert, on his way from Worcester to join his forces with the king's at Oxford,

* The disorders committed by the king's troops gave rise to the county associations called clubmen, who associated and armed in several counties, to the number of many thousands, under the command of country gentlemen. They affected to hold the balance impartially between the cavaliers and parliamentarians, and professed only to protect life and property. In most instances, however, their prepossessions discovered themselves ; and the parliament, which saw the danger of tolerating any co-ordinate power, ordered their suppression as unauthorised by law.

encountered Massey with a part of the garrison of Gloucester at Lidbury, and forced him to retreat with loss. Upon this the committee of both kingdoms, which acted as the war department, ordered Fairfax to despatch some cavalry between Oxford and Worcester so as to prevent the advance of Rupert, and recommended Cromwell for this service. Cromwell had arrived from Salisbury at Windsor to take leave of Fairfax and of the army, in obedience to the self-denying ordinance, when the order of the committee reached head-quarters. He set out with a body of horse, encountered a brigade of four regiments, of which one was the queen's, at Islip bridge in Oxfordshire, put it completely to the rout with great loss, including the standard presented to her regiment by the queen; and following up his success, compelled Bletchington House and Bampton Bush to surrender at discretion. Charles in his rage ordered colonel Windebank, governor of the former and son of the secretary, to be tried, and in spite of powerful solicitations, shot for cowardice. Cromwell continued his operations with unabated vigour, but was repulsed in an attempt to carry Farington by storm, and was worsted in a skirmish by Goring, who made a rapid movement upon Oxford from the west.

The princes Rupert and Maurice meanwhile joined the king, and Fairfax received orders to join his forces with those of Cromwell and major-general Brown, the governor of Abingdon, and watch the movements of the combined royalist army. This order, however, was countermanded, the pursuit of the king abandoned, and Oxford invested by Fairfax.

On the 7th of May, Charles had moved northward with about 8000 men, designing to relieve Chester, then besieged by sir William Brereton. Upon the approach of the royalists, Brereton raised the siege and retreated into Lancashire, whilst the king fell back upon Leicestershire, invested Leicester, and carried it the very first day by assault. Both the king's move-

ments told severely upon the parliament. His march northward not only relieved Chester, but induced Leven and the Scots, then advancing to the south-east, to fall back upon Westmorland. He apprehended that the king's purpose was to join Montrose. The king's retrograde movement and the capture of Leicester alarmed the parliament for the safety of the eastern counties. Fairfax was ordered to abandon Oxford and once more pursue the king. He accordingly raised the siege, and began his march eastward on the 5th of June.

Cromwell, since the ordinance came into operation, served without any other commission than special orders for special services from Fairfax. That gallant, high-minded, and modest commander saw the value of Cromwell's services to the public cause. He called a council of war, and in pursuance of its advice, requested the house to dispense with Cromwell's attendance in parliament, and appoint him lieutenant-general at the head of the cavalry. The request was immediately complied with, but the appointment made only for three months.

Here it may be observed, that Cromwell could not have anticipated the two incidents which led to his being employed after he was removed by the ordinance: first, the advance of the princes Rupert and Maurice upon Oxford; next, that movement of the king upon the associated counties, which induced Fairfax to request permission of the parliament to reappoint him. Still it seems probable that the command was left vacant with a view to Cromwell. He was then in the isle of Ely. Fairfax informed him of his appointment, ordered him to join, and was immediately joined by him.

Charles, after having stormed Leicester, moved upon Daventry, with the purpose of coming to the relief of Oxford; but soon learned on his route that the siege was raised, and directed part of his army upon Northampton, with the view, already stated, of oper-

ating against the fortresses and forces in the associated counties. On the 11th of June the king's head-quarters were still at Daventry* ; but sir Marmaduke Langdale had moved on, and had a skirmish of cavalry with the advanced posts of Fairfax. Cromwell, coming up with his cavalry, found Fairfax at Wotton, near Northampton. Charles, meanwhile, was indulging himself in the amusements of the chace, whilst his troops committed their usual excesses upon the country. He had no idea of the presence of the enemy, when Fairfax, on the 12th, ordered a party of horse to give an alert to his outposts at Borough-hill. The alarm, however, was quickly spread, and Fairfax, whose foot had not come up, did not follow up the attack. It is a strong proof of the gallantry and enterprise of the cavaliers, that Fairfax even apprehended being attacked during the night in his turn. He continued to visit his posts, horse and foot, from twelve to four in the morning.†

It was not the king's first intention, on finding the enemy so near, to risk a battle. Early next morning he directed his baggage upon Harborough ; and his army "having fired their huts," marched in that line. At six o'clock the same morning Fairfax held a council of war : it was in the midst of its deliberations that Cromwell arrived with his regiment of 600 horse, and immediately the drums beat and trumpets sounded to arms, in pursuit of the king. Harrison, then a major, was sent out to reconnoitre with a party of horse. Colonel Ireton, already so highly esteemed that his arrival the night before spread joy through the army, flanked the king's retreat, waiting an opportunity of attack ; and

* Fairfax's Letter to Cromwell, Rush. v. 39.

† Rush. vi. 41. An "odd adventure" is mentioned by Rushworth, as having happened to Fairfax in his rounds. It is worth mention, as illustrative of the parliamentary discipline. He forgot the word, was stopped at the first post, declared who he was, and asked the pass-word from the sentry. The soldier told him he was there to ask, not give, the word, threatened to shoot him if he advanced, and kept him at a stand until the officer of the guard arrived. He rewarded the soldier, who well deserved it. A similar anecdote is told of Napoleon and of other captains.

Fairfax himself, with Cromwell and the main body, horse and foot, pursued in the line of Harborough. The parliamentarians had their head-quarters that night at Gilling; whilst the king's advanced guard was at Harborough, and his rear-guard within two miles of the fatal town of Naseby. Ireton here gave the rear-guard an alert, and took some prisoners.

It was eleven at night before the king was aware of the close pursuit by the enemy. He called a council of war at the quarters of prince Rupert. It was plain the enemy meant to engage, and the question was, whether to retreat to Leicester or fight. The cavalier officers, composed for the most part of the aristocracy of England, had in them that elastic spring of courage and gallantry, in which, whatever its vices, that order is never found wanting. It was resolved not only to give, but to advance and offer, battle.

On Saturday, the 14th of June, at three in the morning, Fairfax moved from Gilling, and at five was at Naseby, his rendezvous. The king's cavalry at the same time were observed on an eminence in the line of Harborough, forming themselves for action. Both armies formed themselves in order of battle. The princes Rupert and Maurice commanded the king's right wing, sir Marmaduke Langdale the left, the king in person the main body in the centre. The earl of Lindsey and sir Jacob Astley, lord Bard, and sir George Lisle commanded the king's reserves on the right and left. The parliamentarians were commanded on the right by Cromwell, on the left by Ireton, at Cromwell's request, and promoted to the rank of commissary general of horse for the occasion; in the centre by Fairfax and Skippon. Fairfax's reserves were commanded by colonels Rainsborough, Hammond and Pride. The numbers were nearly equal.* A fallow field about a mile

* Rushworth states (vi. 42.) that there was not a difference of 500 on either side.

broad, north-west of Naseby, was the scene of action. The word of the cavaliers was "queen Mary" (Henrietta Maria), — of the parliamentarians, "God our strength." The royalists commenced the battle by advancing at a quick step, with (says Rushworth) alacrity and resolution. A forlorn hope of 300 parliamentarians, posted in advance, was overpowered by numbers, and fell back upon the main body, according to its orders. But the strife of death and victory was as usual on the wings, consisting of cavalry. Prince Rupert charged Ireton with such fury that the wing which he commanded was thrown into disorder; and Ireton himself, wounded in the thigh with a pike, in the face with a halberd, having at the same time his horse killed under him, was made prisoner, but afterwards escaped back to the parliamentarians. Such were the casualties of this famous battle. Rupert pursued the routed left wing to Naseby. Meanwhile Cromwell turned as usual the fortune of the day. He attacked sir Marmaduke Langdale, first with a close fire of carbines, next at the sword's point; broke and routed his cavalry, and drove them a mile beyond the field of battle, wholly beyond concert with the royalist infantry. Fairfax, after a demonstration of success on the king's side at the first onset, brought up his reserves, and forced the king's centre to retreat in disorder. Skippon was severely wounded by a shot in the side, and Fairfax desired he would leave the field. But "the brave old man (says Rushworth) answered, 'he would not stir so long as a man would stand,' and kept the field to the end of the battle." One royalist corps "stood like a rock," says the same writer, "and though twice desperately charged would not move an inch." Fairfax charged them in front and ordered a charge in the rear, and this last remaining hope of the king's foot was routed.

Rupert wheeled back from his pursuit to Naseby, in order to relieve the king. He came too late: nothing remained to Charles but his cavalry. Fairfax rallied

his scattered foot to charge them. The king on his side, with the courage of despair, placed himself at their head, and entreated them to stand the expected shock. "One charge more," said he, "and we recover the day." But they were deaf to his voice: they were in truth not in a condition to withstand the shock of infantry and ordnance: they fled, and the parliamentarians had a brilliant and decisive victory. The king left behind him 5000 prisoners, of whom 1000 were officers, his whole artillery, a hundred stand of colours, with the standard royal, the king's baggage, with the cabinet containing his private papers and correspondence with the queen, the baggage of the army, including the plunder of Leicester. His loss in slain was counted between five and six hundred.

Charles after this disastrous battle fled to Leicester, pursued by Fairfax, thence to Ashby-de-la-Zouch, and finally into Wales.



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