HISTORY

OF THE

COMMONWEALTH OF ENGLAND.

FROM

ITS COMMENCEMENT,

TO THE

RESTORATION OF CHARLES THE SECOND.

By WILLIAM GODWIN.

TO ATTEND TO THE NEGLECTED, AND TO REMEMBER THE FORGOTTEN.

BURKE.

VOLUME THE SECOND.

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ADVERTISEMENT.

It may seem strange to a reader unversed in the transactions of the period to which this work relates, that the Second Volume of the History of the Commonwealth should come down no further than to the death of Charles I. But this circumstance will be found less paradoxical than it appears. The commencement of an executive government on the part of the parliament, in other words, of a Commonwealth, was 4 July 1642 [a]. The particular object of this History is to treat of the English republicans or commonwealthsmen [b]; "to attend to the neglected, and to remember the forgotten." The work would therefore have been imperfect, unless a due attention had been paid in the commence-

[a] See Vol. I, p. 19.

[b] Ibid. p. 5.

ment, to the labours of Hampden and Pym. The chronicle of their successors divides itself under two heads: first, to explain in what manner they contrived to clear away all obstacles, and obtain an adequate area for reducing their speculations into practice; and secondly, to shew how they fashioned and conducted their republic, after the preliminaries were effected. In the first of these, the greater degree of subtlety was required; in the second the greater portion of original talent and genius was displayed. The obscure labour of the architect, which precedes the laying the first stone and erecting the shell of his edifice, will frequently be found not less memorable and worthy of record, than all the success and splendour of execution, which are more adapted to awaken the admiration of the many.

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ERRATA.

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45, line 7. *for* Holles, *read* Hollis
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410, line 6. *for* justly, *read* just
494, line 19. *for* votes, *read* vote

HISTORY

OF THE

COMMONWEALTH OF ENGLAND.

CHAPTER XX.

JOHN LILBURNE.—CONNECTED WITH CROMWEL.—THEIR CHARACTERS COMPARED.—CONTROVERSY OF LILBURNE AND PRYNNE.—PERSECUTING SPIRIT OF THE PRESBYTERIANS.—LILBURNE RESIGNS HIS COMMISSION.—HE IS COMMITTED TO THE CUSTODY OF THE SERJEANT AT ARMS.—REFUSES TO ANSWER INTERROGATORIES.—HE IS SENT TO NEWGATE.—INJUSTICE WITH WHICH HE IS TREATED.—VIOLENCE AND INTEMPERANCE OF HIS CONDUCT.

CHAP. XX.

1645.

It is time that we should proceed, from the consideration of the military affairs, to that of the civil transactions of the year 1645.

John Lilburne, his early life.

A personage who occupies a memorable place in the history of the commonwealth, is John Lilburne. He was descended of an ancient and

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honourable family in the bishopric of Durham, but, being a younger son, was apprenticed at twelve years of age to a wholesale draper in the city of London [a]. His elder brother, Robert, was a colonel in the parliament forces, and served with some distinction both in the civil wars, and afterwards under the commonwealth: he was one of those who signed the warrant for the king's execution. Another brother, Henry, was a lieutenant-colonel, and fell in the campaign of 1648 [b]. John Lilburne spent his leisure-hours during his apprenticeship, in reading the publications, and frequenting the sermons of the puritans. He was naturally of an adust complexion and a fervent temper; and, being distinguished by one of the preachers upon whose public instructions he attended, he was by him introduced, at the age of nineteen, 1637, to the notice of Bastwick and Prynne, who were at that time in confinement, under conviction for the writing of libels. He entered with great earnestness into the views of these men, and offered to take a voyage to Holland, for the purpose of causing their books to be printed there, and then bringing them over to England. For this offence he was arraigned in the star-chamber in 1638, where he received sentence to be whipped, pilloried and imprisoned.

Introduced to Bastwick and Prynne.

[a] Wood, Vol. II, p. 171. Lilburne, Innocency and Truth Justified, p. 7.
[b] Rushworth, Vol. VII, p. 1226, 1227. Heath, p. 179.

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As the conduct for which he was punished proceeded from a deep sense of honour and right, he was beyond measure exasperated at the sufferings and indignity to which he was exposed. During both parts of his public punishment he uttered bold speeches against the tyranny of the bishops, and from the pillory dispersed seditious pamphlets among the crowd. He was at length gagged in the pillory, and, being able to express himself in no other way, testified his indignation by stamping with his feet [c].

Whipped, and set in the pillory.

Such was the early life of Lilburne, and he was thus prepared for his subsequent adventures. He was naturally of an undaunted courage and an acute understanding. He defied all consequences, nor was terror in any instance able to alter his resolution and perseverance. He had, to an extraordinary degree, the spirit of a martyr; and, as he never doubted the rectitude of any of his convictions and actions, he persisted in them with an obstinacy, which excited wonder, and assured to him sympathy and respect.

His disposition and character.

Lilburne was a man of generous birth and ardent dispositions; in addition to which his abilities were of no common order. It was therefore early seen by the great leaders in the cause of the parliament, that he might be an apt and useful instrument for their purposes. He was a

Commands a company of foot.

[c] Rushworth, Vol. II, p. 466. Wood, *ubi supra*.

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captain of foot in the beginning of the war, and was taken prisoner by the king's troops in the action at Brentford in November 1642. Being conducted to Oxford, he was in the following month tried for high treason in bearing arms against Charles, where he made his defence with the same intrepid spirit that distinguished him on all occasions. His life was saved by a declaration from the parliament, that in case he suffered, a strict retaliation should be exacted upon the royalist prisoners then in their power[d]. Upon his return from this peril, the earl of Essex testified his approbation of his conduct by presenting him with a purse of three hundred pounds[e].

Taken prisoner.

Tried for treason at Oxford.

Connected with Cromwel.

Thus far Lilburne had merely proceeded in accord with the parliament, and in support of the cause of the nation against the invasions of prerogative. If he had gone no farther, his conduct would probably in a very small degree have afforded matter for history. The first subject which induced him to take side with one party in opposition to the king, against another, was the covenant. He had drunk deep of the principles of independency, and hated presbyterianism scarcely less than he hated the bishops. Essex, it appears, was very earnest in pressing upon his

[d] Clarendon, Vol. III, p. 501. Rushworth, Vol. V, p. 93. Cobbet, State Trials, Vol. IV, p. 1303, 1304.

[e] Lilburne, Peoples Prerogative, p. 63. Legal Fundamental Liberties, p. 23.

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followers the taking the covenant, to which Lilburne would never submit; and, communicating his perplexity to Cromwel, that officer procured for him a majority of foot in the army of the associated counties, in which independency, under the auspices of Cromwel, the second in command, already began to prevail. This happened in October 1643 [f].

1644. Quarrel with colonel Edward King.

The commander of the regiment in which Lilburne served, was colonel Edward King; and Cromwel, at the time that Lilburne received his commission, gave him a charge to be particularly attentive to the conduct of his superior officer; inasmuch, said Cromwel, as there is a scarcity of officers willing to serve in our army, and we have been obliged to trust King, without being entirely satisfied respecting him [g]. King appears to have deported himself with imbecility or treachery at the siege of Newark in the March following [h]; and Lilburne accordingly became his accuser. King was in consequence removed from all his employments; and Lilburne in May was appointed lieutenant-colonel in Manchester's own regiment of dragoons [i]. He served shortly after in the battle of Marston Moor, where he conducted himself with signal bravery.

Tempers of Lilburne and Cromwel compared.

Here the affair of King ought probably to have rested; stripped of his employments, he was no

[f] Lilburne, Resolved Mans Resolution, p. 32.

[g] Just Mans Justification, p. 5. [h] Rushworth, Vol. V, p. 307.

[i] Resolved Mans Resolution, p. 32.

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longer worthy of Lilburne's attention. But upon this occasion we are led to remark the characteristic qualities of this spirited and determined individual, which place him particularly in contrast with the system of Cromwel. Cromwel always acted like a politician; he had certain ends in view, and he modified his measures in the way that he conceived would be most conducive to those ends. At this time we have no reason to think that Cromwel had any sinister views. His object was the public welfare according to the ideas he entertained respecting it; and he steadily adopted such proceedings as he judged would best promote that object. Individuals were with him but implements in constructing the edifice of the public good: and in such a man the private passions of love and hatred could scarcely be said to bear sway [k]; he chose those persons whom he conceived best adapted to the purposes he proposed; he treated them upon a principle correspondent with these views; he spared no man from ideas of personal respect; he made no man an enemy that he might gratify any private feelings of resentment and indignation.

Lilburne, with perhaps equal integrity, was in many respects the reverse of this. He looked at principles and men, as they were in themselves, rather than as links in the great chain of causes

[k] Cromwel was in reality a man of strong private affections; but he never suffered these, particularly in the early part of his career, to interfere with his public conduct.

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1644.

and consequences. He chose a cause, and he adhered to it, unterrified by menaces or suffering; though, as we shall see, when his exertions appeared to him entirely hopeless, he was not inflexibly bent against all compromise, but was willing by retreat to save the shattered wrecks of his own peace. In the same manner he chose an adversary, satisfying himself that the man against whom he drew out the powers of his hostility, was worthless, a traitor to the principles he had vowed to support, and a foe to the public welfare; and resolving in that case never to quit the prosecution of his crimes, till they had received an ample retribution. Lilburne therefore was fiercer, and in that sense of a more unalterable temperament than Cromwel, who, while he never shrunk from any means the cause in which he was engaged rendered indispensible, was largely imbued with sentiments of clemency, forbearance and philanthropy. In the contrast here presented to us it is some disadvantage, that the adherent of what we may denominate the better principle, afterwards turned apostate, and was then urged by sinister views, if he were not now. But the historian treats of facts, not of fictions; and these two men, such as they were, stand together as striking examples of two opposing forms of public conduct.

Proceedings against King.

Lilburne, acting upon the conceptions he entertained of right conduct, considered King merely as a public delinquent, and pursued him accord-

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ingly. He endeavoured to bring him to a court-martial, but without success. He then joined with the committee of the county of Lincoln in preparing a charge of high crimes and misdemeanours against him, consisting of twenty-two articles, the greater part of which Lilburne offered to support by his own testimony. They were presented to the house of commons in the following August[l]; but no proceedings followed upon them. We shall presently see the great inconveniences that resulted to Lilburne from his pertinacious conduct.

Lilburne engaged in the accusation against Manchester.

Cromwel had again recourse to Lilburne, when he brought forward his accusation against Manchester in the subsequent November. The narration of Cromwel respecting the affair at Dennington Castle was referred by the house of commons to a committee, who were directed to send for papers and examine witnesses as to the whole merits of the question. Lilburne was one of the witnesses produced before this committee. And here we see still more distinctly the different principles on which they acted. In the case of King, Lilburne remarks, "This I dare confidently affirm, if there we had had faire play, and justice impartially, King had as surely died as ever malefactor in England did[m]." And again, respecting Manchester he observes, "He was impeached of

[l] Just Mans Justification, p. 19. [m] Ibid. p. 9.

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treason by lieutenant-general Cromwel, for being false to his trust, and had undoubtedly lost his head therefore, if the lieutenant-general had followed it as he should[n]." But such were not the purposes of Cromwel. He aimed at a change of system. He desired to take the direction of the army out of the hands of those by whom it was ineffectually, perhaps treacherously, conducted; and he sought no vengeance and retaliation against those he removed. The moment the new model of the army was effected, and the power was taken out of the hands of Essex, Manchester and Waller, he ceased to entertain animosity against them; he believed that the party with which he acted would have enough to do, to counteract and subdue the enemies that were in arms against the public cause; and he imagined that Essex and Manchester might even be usefully employed in the affairs of the state, as soon as they were reduced to their civil capacity. But Lilburne would not understand this: and Cromwel, upon the same principle of using every man in the station for which he was adapted, did not endeavour to undeceive him. He saw the impracticability and ferocity of Lilburne's character. He saw that the lieutenant-colonel, having heated his mind with the offences of King and Manchester, and whetted his courage with resentment against them, would

[n] Just Mans Justification, 2nd edition, 1647, p. 20.

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never be called off from the pursuit, while he had means and strength to follow it. He therefore suffered Lilburne to believe that he was himself of the same temper: insomuch that, in a pamphlet Lilburne published shortly after this period, this inflexible prosecutor makes it one of his charges against the parliament, that Cromwel was sent by them, contrary to his inclination, first to the siege of Taunton, and then to Windsor and elsewhere, "thereby to hinder him from pursuing the upright purposes of his heart, either to lay Manchester flat upon his back, or to fall himself in the conflict[o]."

1645. Controversy of Lilburne and Prynne.

As a soldier Lilburne was no doubt an able servant to the commonwealth; but about this time, having engaged himself in public prosecutions, and in drawing memorials and petitions, he conceived the idea that he could be more useful to his country with his pen, than his sword. His first attempt in this kind was in a Letter to Prynne, dated 7 January 1645. The subject of this letter was the controversy between the presbyterians and independents. Prynne, who had suffered so memorably from the atrocious persecution of the episcopalians, was now himself the advocate of persecution. His party was at present uppermost; and they were in his opinion fully entitled to use the same weapons against error, which Laud and his partisans had employed against what they

Lilburne resigns his commission.

Prynne the advocate of persecution.

[o] Englands Birthright, p. 17, 32.

deemed to be erroneous. The unity of the church was their favourite theme: and the multitude of sects which had sprung up, and their growing strength, filled them with alarm. In their apprehension no evil in a state could be greater than this: and, however rigorous might be the measures necessary to repress it, that rigour they held to be necessary and commendable. Prynne had first engaged in a controversy on that subject with John Goodwin, an eminent preacher in Coleman Street, who, in addition to the fervour with which he espoused the principles of the independents, laboured under the further stigma of having embraced the heresy of Arminius. Goodwin published a tract, called, "*Theomachia;* or the Grand Imprudence of Men running the Hazard of Fighting against God, in Suppressing any Way, Doctrine, or Practice, concerning which they know not certainly whether it be of God or no." The doctrine of this tract Prynne undertook to refute. His main topic is the mischievous nature of toleration; and he remonstrates to the parliament, that, having subscribed to the covenant, they cannot without perjury suffer such doctrines or publications to be issued to the world. One of Prynne's pieces in this debate is entitled, "Truth triumphing over Falsehood, Antiquity over Novelty; or a Vindication of the Undoubted Jurisdiction and Coercive Power of Christian Emperors, Kings, and Parliaments, in Matters of Religion."

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It was against this tract that Lilburne was induced to take up the pen. He was, no less than Goodwin, the friend of religious liberty. His pamphlet consists of seven pages only. It is no wise remarkable, unless for that air of directness and honesty which pervades all Lilburne's writings. In it, employing the ordinary style of controversy, he says, "Truely, had I not seen your name to your bookes, I should rather have judged them a Papists or a Jesuites then Mr. Prynnes. And without doubt the pope, when he sees them, will canonise you for a saint, for throwing downe his enemie Christ."

Lilburne summoned before a committee.

Prynne, true to his principles, caused Lilburne, by a vote of the house of commons, to be called before the committee for examinations to give an account of this "scurrilous and seditious pamphlet[p]." The paper which Lilburne drew up, and presented to the committee, entitled Reasons of Lieutenant-Colonel Lilburnes sending his Letter to Mr. Prynne, is a composition of singular temper and moderation. He says, "This parliament no sooner sate, but, as being most sensible of grievances of this nature, they made it their principal work to deliver captives, especially such as had been oppressed for conscience-sake: among whom (which I shall never forget) they were pleased to take me into their first and most compassionate thoughts, and delivered me out of all my troubles.

His vindication.

[p] Journal of Commons, Jan. 17.

And this their tender compassion wrought in me a thankful acknowledgement, insomuch that I, with thousands more, were instantly ready on all occasions to adventure our lives in defence of so just and pious an authority. Nor did our affections or gratitude coole within us afterwards; but, as the necessities of the parliament increased, we forsook all that was dear to us, and voluntarily betook ourselves to arms in their just defence."

He proceeds: "When opportunity gave me leave to be absent from the army, I resolved to visit my friends at Westminster and London, expecting a joyfull and cheerfull entertainment, and good acceptation. But to my exceeding grief and astonishment I found a very sad and frowning countenance from most of those that formerly had had us in great and good esteeme. I found all sorts of conscientious people, excepting one sort onely, altogether discountenanced and discouraged; the city being filled with daily relations of strange and very hard usage towards them in all quarters, some having been sent to prisons and common jayls, kept among theeves and murderers, not plancks to lye upon, nor food allowed; some adjudged to be banished; and this for no other cause then meeting together in private houses to worship God.

"These and the like discourses being the hourely complaints of a faithfull religious people, ever deare and pretious to my affections for their

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unfained zeale to God and sinceritie to the parliament, made very sad and deepe impressions on my spirits: so as, considering with my selfe whence so great evils should arise (the bishops, high commission and star-chamber being all suppressed), I found it in the issue of sundrie invective and provoking language both from the pulpit and presse. Wherein none appeared to exceed my old fellow-sufferer, Mr. Prynne. Being pressed by all these motives, I thought I could do no lesse, then use means to inform Mr. Prynne of his error, and endeavour by a free debate (which I offered him in my letter) to convince and reclaim him from making further progresse in incensing the magistracy against those that are faithfull and successefull instruments of their preservation."

It is worthy of notice, that the period when Lilburne was called in question for this libel, was precisely that in which the self-denying ordinance was in warm agitation. In political affairs and public assemblies there is always a degree of compromise; and it is not impossible that the independent party in some degree gave way in this question, with the hope that the presbyterians might be less resolute in their opposition in a matter in which the public welfare was essentially involved.

Petitions for his arrears.

Previously to the publication of the Letter to Prynne, Lilburne appears to have prepared a pe-

tition to the house of commons, requesting that he might receive the arrears due to him for his service in the army. These arrears are stated by him as being the full amount of his pay from the period when he was appointed major of foot in colonel King's regiment, reaching by his computation to 880*l.* 2*s.*; that is, twenty-four shillings *per* day for two hundred and twenty-three days, while he was a major of foot, from October 7, 1643, to May 16, 1644; and thirty-five shillings *per* day for three hundred and fifty days that he was a lieutenant-colonel of dragoons, from the latter of these dates to the time when he finally quitted the army, April 30, 1645. To this petition for some reason Lilburne was unable to obtain the attention of the house, and was engaged for months in fruitless endeavours to procure redress[q].

Refuses a commission under the new model.

About the time that Lilburne resigned his commission, it appears that he was strongly solicited by those of his own party, and Cromwel among the rest, to accept a command in the army of the new model. But he pertinaciously refused. He answered, that he was resolved to "dig for turnips and carrots, before he would fight to set up a power to make himself a slave. Sir," said he to Cromwel, "if I were free to fight again, I will never serve a jealous master, while

[q] Lilburne, Resolved Mans Resolution, p. 32.

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I live. For the parliament, by a late vote, hath declared a jealousie in all men that will not take the covenant, which I can never do; and therefore, seeing I have served them faithfully, and they are grown jealous of me without cause, after so much assured experience of my faithfullnesse, I will never, in the mind I am now in, serve them as a soldier while I breathe, let them get whom they please, and do what they please[r]."

Discharged by the committee.

By accident, probably on some occasion of Lilburne's attending the house in prosecution of his petition, Prynne and he met. The misunderstanding between them had now risen to a great height. Prynne reproached Lilburne with his public conduct as calculated to interrupt the well-being of the commonwealth; and Lilburne defied Prynne; he said he would meet him when he pleased, and on what ground he pleased. Prynne took the hint, and caused his antagonist on the seventeenth of May, to be called before the committee of examinations, a proceeding which had for some reason been suspended[s]. Lilburne owned his Letter, delivered in the paper of reasons which has already been quoted, and was *discharged* [t].

Sent for in custody.

But Prynne was not a man thus to give up the vengeance on which he had resolved. He caused

[r] Ibid. p. 36.

[s] Prynne, Liar Confounded, p. 4, 5.

[t] Lilburne, Letter to a Friend, p. 13.

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Lilburne to be sent for in custody to the committee of examinations in the following month, on suspicion of being concerned in several publications hostile to the presbyterian system, as the Arraignment of Persecution, an Answer to Prynne's Nine Arguments, and Young Martin. Lilburne was detained one night in custody, and then discharged [u].

Prosecutes his petition.

Meanwhile he appears to have solicited the attention of parliament to his petition in vain. He made all the friends he could in the house of commons. Two several times he repaired to the speaker at his house humbly to crave his assistance: "but," says Lilburne, "so lofty and high was hee, that he would not so much as looke upon, or speak with me, though I waighted upon him to his very coach." Finding that he made no progress in this way, he printed his petition, and delivered above one hundred and fifty copies to the members of the house of commons, as they went in [w]. There must have been something greatly erroneous in Lilburne's mode of proceeding, to account for this miscarriage.

Cromwel writes in his favour.

At length, as a last resource, he repaired to Cromwel at his station in the army, and intreated him to write a letter in support of the petition. Cromwel readily complied. This letter, dated the tenth of July, Lilburne also caused to be

[u] Liar Confounded, p. 6.

[w] Letter to a Friend, p. 6.

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printed, and sent copies to many members of parliament. In it Cromwel says, "He hath done both you and the kingdom good service; and you will find him not unthankfull, but willing to adventure himself as freely in the public cause as hitherto he hath done." He adds, "Truly it is a grief to see men ruine themselves through their affection and faithfulnes to the publick, and so few lay it to heart[x]." This letter also failed of producing the desired effect.

Fails of redress.

Lilburne was persuaded not to return from the army, till he could have the fortune to be the bearer of some good news. He accordingly brought the first letters of some advantage gained by the army, with "a true and punctual relation." But he was received, he says, with no friendly welcome, "but with scoffs and abuses[y]."

In custody of the serjeant at arms.

In his attendance in waiting on the house of commons, July the nineteenth, he had the misfortune to take part in a conversation in Westminster Hall, which brought him into new troubles. The subject was a story, in which sir John Lenthal, marshal of the King's Bench Prison, and his brother, the speaker, were principal parties. It was affirmed by one of the persons present, that sir John Lenthal had received from sir Basil Brooke, now a prisoner in the King's Bench for debt, and who had been

[x] Ibid. p. 20. [y] Ibid. p 6.

lately under prosecution for a plot to betray the parliament, the sum of sixty thousand pounds, which, with the concurrence of his brother, he had transmitted to the king. This conversation was overheard, among others, by the colonel King whom Lilburne had so eagerly prosecuted, and by the well known Dr. Bastwick. These officious persons immediately committed a part of what they heard to writing, signed it with their names, and sent it into the house to the speaker[z]. Bastwick was an implement of Prynne. The circumstance was so represented to the house, that a vote was immediately passed for taking Lilburne and another into custody[a].

Refuses to answer interrogatories.

Lilburne was detained five days in the house of the serjeant at arms, and then brought before the committee of examinations to be questioned. He was asked, Did you not say, on the nineteenth instant, at Westminster, that the speaker had sent sixty thousand pounds to the king? He answered, "Sir, I have been five days a prisoner, committed by the house of commons; but I know not wherefore. I therefore humbly desire to know the cause of my commitment, and then I will answer you."

"Sir," replied the chairman, "we expect from

[z] Ibid. p. 8. Liar Confounded, p. 6.
[a] Journals of Commons, July 19.

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you a positive answer to the question proposed to you, and command you to give it."

"Well, sir," rejoined Lilburne, "then I answer you thus. I am a freeman, yea, a free-born denizen of England, and I have been in the field with my sword in hand, to venture my life and my blood against tyrants for the preservation of my freedome, and I doe not know that I ever did an act in all my life that disfranchised me of my freedome; and by vertue of being a freeman, I conceive I have as true a right to all the priviledges that doe belong to a freeman, as the greatest man in England[b]."

It is scarcely necessary to add that the charge against the speaker was fully investigated by a committee of the house of commons, and that he was honourably acquitted[c].

Committed to Newgate.

This demeanour of Lilburne was construed to be contumacious. He was remanded: and the next day he published a pamphlet, called a Letter to a Friend, containing a full narrative of what had passed, with animadversions. This pamphlet was brought under the notice of the house of commons by Glynn, the recorder; and at the same time Miles Corbet, chairman of the committee of examinations, reported his behaviour when brought before him to be questioned.

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[b] Letter to a Friend, p. 2.

[c] Journals of Commons, Sept. 15.

Lilburne was again brought before the same committee, and asked whether he was the author of a 'Letter to a Friend; to which he returned the same answer that he had given in the former instance. For this contempt the committee ordered him to Newgate. The house sanctioned the proceeding, and directed that the recorder of London should proceed against him on the matter of this pamphlet at the quarter-sessions[d]. He remained in Newgate till the fourteenth of October, when Glynn moved that, no charge having been brought against him, and he having desired that he might be brought to trial or discharged, he might be forthwith discharged[e].

Is discharged.

The house of commons was undoubtedly disgraced by these proceedings; and the behaviour of Prynne on the occasion was such, as we find it difficult to account for at the present day. The officious information of Bastwick and colonel King, respecting conversation they overheard in Westminster Hall, of which information it cannot be doubted that Prynne was the prompter, and which was instantly followed up by a motion for taking Lilburne into custody, was to the last degree scandalous and malicious. Prynne published a pamphlet in answer to Lilburne, entitled the Liar Confounded, and at the same time

Injustice with which he is treated.

[d] Journals of Commons, Aug. 9, 11.
[e] Ibid. Oct. 14.

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recommended that Lilburne should be proceeded against criminally for having produced the piece to which Prynne replied. The doctrine of the presbyterians then was, that no book should be published without a licence, in other words, that only one side of a question should be heard. They seriously persuaded themselves, that the greatest degree of anarchy and general mischief would arise, if every man were allowed, without a licencer, to print all that his mind prompted him to say. We may make great allowance for their prejudices; but we cannot but be shocked, when a man, Prynne for example, uses the implement of the press to load his adversary with the utmost opprobrium, and at the same time imputes it as a crime to him to resort to the same means for making his defence.

Violence and intemperance of his conduct.

But what construction is it just that we should put upon the conduct of Lilburne himself? England, and the whole English nation was at this time in a state of awful crisis. Liberty or despotism, for themselves and their posterity, must be the issue of the contest. Lilburne talked greatly at large of the original purity of the parliament, of their just and pious authority, and of the virtue of his countrymen in being willing to adventure their lives in its defence. From the time at which we are arrived he turned against the parliament, thought that no man ought to fight for it, and loaded it on all occasions with invective and re-

proach. The man who thinks only of himself and his own wrongs, we may be inclined to excuse, but he cannot reasonably be made the theme of our applause.

One of the mistakes into which Lilburne fell, was the supposing that all the exact rules and precautions which ought to be observed in the most quiet times, were equally irremissible during the storm of a civil war. In a revolutionary period there must be arbitrary measures. The landmarks of justice and ordinary proceeding are then unfixed; and all that we can reasonably require of the persons who conduct the public affairs, is that they should maintain the best cause by the best practicable means, and at all events by measures of energy and decision. Something must be trusted to their discretion. If they are timid and irresolute in their proceedings, it should be recollected that there is a public enemy lying in wait to take advantage of their hesitation. In times of convulsion and disorder the safety of the public and the public cause, becomes superior to all other laws. We should defer our cavilling about niceties, till the great battle against usurpation and the general oppressor has been fully won.

In the period of which we treat two great parties were at issue, the king and the parliament. Every man should be called on to chuse the scheme of life he thinks proper to adopt, whether

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of activity and public service, or of personal quietness and obscurity. In fact, in perilous and eventful times, every one capable of benefiting his country should be at his post, endeavouring to contribute to the ascendancy of the just cause. But we cannot hope to effect much for the general welfare without co-operators. In the men who act along with us we must be ready to overlook a thousand errors and infirmities. So in these times did Milton and Ludlow and Sidney and Ireton, men far beyond the imputation of interested views.

Beside the question between the king and the parliament, there was an inferior, but important issue to be tried between the presbyterians and the independents. If Lilburne saw much to object to in the presbyterians, there was still a party with which he could combine. It was unfortunate, in these days, so fertile in talent, and surely not barren in virtue, in fervent religion, and the strenuous love of liberty, if Lilburne could find none worthy that he should unite himself with them in working out the general salvation. But, no! His hand was against every man; and the natural consequence followed; he was unsupported himself. He loaded every great public character in turn, as we shall see in the sequel, with his abuse: and dearly did he abide the penalty of his intemperance and folly.

CHAPTER XXI.

DIMINISHED NUMBERS OF THE COMMONS AT WESTMINSTER.—BALANCED ASCENDANCY OF THE PRESBYTERIANS AND INDEPENDENTS IN THAT HOUSE.—CONSIDERATIONS ON THE PRACTICABILITY OF A DISSOLUTION.—EXPEDIENCY OF FILLING THE HOUSE WITH MEMBERS DISCUSSED.—IT IS DETERMINED ON.—TWO HUNDRED AND THIRTY-FIVE NEW MEMBERS CHOSEN.—CONSIDERATIONS ON THE SELF-DENYING ORDINANCE.—OFFICERS OF STATE.—NOMINATION OF JUDGES.

Diminished numbers of the commons at Westminster.

A MOMENTOUS question which at this time demanded the attention of parliament, was the imperfect state of the representation of the people of England, as it was now found in the house of commons. The general election had taken place in the autumn of 1640, and the parliament had sat nearly five years. In somewhat less than two years after its assembling, the civil war had broken out; and, though a great majority, particularly of the lower house, had been engaged in opposition to the views of the court, yet it could not be supposed, that when it became evident that blows and martial strife must decide

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the contest, many would not embrace the party of the king. On the fifteenth of June 1642, thirty-five peers signed a declaration at York dictated to them by the king[a]; and about the same time many of the commons, though in no amount compared with the numbers of the house, resorted to the same quarter[b]. Others of course would be desirous either of temporising, or of observing a strict neutrality. The war was attended with memorable vicissitudes; and, in the winter of 1642, and the autumn of 1643, expectations ran strongly in favour of the success of the royal party. This situation of things would of course induce the timid and lukewarm to desert the standard of the parliament. The king therefore, in his message to the privy council of Scotland of the date of December 1642, takes occasion to boast, that of more than five hundred members of the house of commons, not above eighty remained at Westminster, and of the house of peers, amounting to more than one hundred, not above fifteen or sixteen[c].

Estimate.

The precise number of the house of commons, according to the returns in 1640, appears to have been five hundred and six[d]. The highest numbers that I observe upon any division, occur on

[a] Husbands, p. 357. [b] May, Book II, p. 59.
[c] Rushworth, Vol. V, p. 395, 396.
[d] Brown, Notitia Parliamentaria.

the first of March following, and amount, taken together, to three hundred and eighty-three, including the tellers[e]. About the time of the king's declaration above mentioned, the divisions ran very low, sometimes as low as the numbers there specified; but this was accident, and could only be used to colour a party-declaration. On the ninth of February following the numbers rose as high as two hundred and one[f]. The numbers were nearly as great upon a vote respecting the self-denying ordinance in December 1644[g]. At the time of assembling the mock parliament at Oxford on the twenty-second of January in that year, the commons ordered a call of the house, which took place on the same day that the king had fixed for his followers at Oxford, and the numbers appear to have been divided as follow: two hundred and eighty members answered to their names at Westminster; one hundred were excused, as being absent in the service of parliament in their several counties[h]; and one hundred and eighteen at Oxford signed the letter to Essex of the twenty-seventh of the same month, calling on him to interpose for the restoration of peace[i]. There are therefore only eight individuals unaccounted for in this computation.

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[e] Journals. [f] Ibid.

[g] Ibid. Dec. 17. [h] Whitlocke, p. 80.

[i] Rushworth, Vol. V. p. 573, 574.

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1644. Balanced ascendancy of the presbyterians and independents in that house.

There is another question, which it would be desirable to illustrate from this comparison of numbers. The struggle between the presbyterians and independents was in full activity during the year 1644. The presbyterians had in their favour the metropolis, the assembly, and for the most part a majority in both houses of parliament. The independents had the goodness of their cause, and the superiority of their talents. The most important measure which originated with the independents, was the self-denying ordinance. But the mismanagement of the war was so apparent, that the presbyterians laboured under a great disadvantage in this question; and many that generally voted with them, in this point went along with their adversaries. It does not appear that there was more than one division in the original progress of the ordinance through the commons; and that was on the seventeenth of December, when a proviso was offered to be added, that the ordinance, and any thing contained in it, should not extend to the earl of Essex, lord general. Upon this occasion the numbers
1645. stood, for the clause 93, against it 100[k]. When, in consequence of the rejection of the ordinance in the house of lords, another which answered the immediate purposes for which it had been devised was brought in, under the name of the new model,

[k] Journals.

this received the support of a greater number of the presbyterians, and was even introduced under the auspices of the committee of both kingdoms: of consequence it had also the assent of a majority of the commissioners from Scotland. In the progress of this measure the house appears to have been only once divided, which occurred on the twenty-first of January, when it was put to the vote whether Fairfax should be nominated commander in chief, and the numbers stood (on the question whether the nomination should be then made), for the affirmative 101, for the negative 69[l]. When the ordinance came back from the lords, a division took place on an amendment that was introduced in that assembly, purporting that the nomination of officers which was vested in the commander in chief, should be subject to the approbation of the two houses of parliament, and the numbers stood, for the affirmative 82, for the negative 63, the majority being with the presbyterians[m]. From an examination of the other divisions which occurred shortly after this period, it seems to appear that the majorities were usually with the presbyterians, but that upon some important and rarer occasions the independents were enabled to prevail.

Reflection.

It is thus that history is obliged to grope its way, in treating of the most considerable events.

[l] Ibid. [m] Ibid.

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We put together seemings, and draw our inferences as well as we may. Contemporaries who employ themselves in preserving facts are sure to omit some of the most material, upon the presumption of their notoriety, and that they are what every body knows. History in some of its most essential members dies, even as generations of men pass off the stage, and the men who were occupied in the busy scene become victims of mortality. If we could call up Cromwel from the dead,—nay, if we could call up some one of the comparatively insignificant actors in the time of which we are treating, and were allowed the opportunity of proposing to him the proper questions, how many doubts would be cleared up, how many perplexing matters would be unravelled, and what a multitude of interesting anecdotes would be revealed to the eyes of posterity! But History comes like a beggarly gleaner in the field, after Death, the great lord of the domain, has gathered the crop with his mighty hand, and lodged it in his garner, which no man can open.

Considerations on the practicability of a dissolution.

The parliament, as we have said, judged this the proper time for remedying the defects, which in the course of five years had crept into the representation. The most obvious cure was by dissolving the present parliament, and calling a new one. The present house of commons had certainly sat long enough. One of the earliest measures by which they had undertaken to correct mis-

government and the disuse of parliaments, was the triennial act. They had provided, in consideration of the peculiar circumstances under which the nation found itself at that period, that the present parliament should not be dissolved without its own consent. But it would be so much the nobler in them voluntarily to put an end to their own sittings. They had conferred a mass of benefit on their country, and even as we may say on mankind, that can scarcely be paralleled in any assembly in the history of the world. They had proceeded with a sobriety and steadiness which almost exceeds belief. Firm and immoveable as they had shewn themselves in their resolution, there was at the same time a surprising magnanimity and discretion in all they did. If at this time they had voluntarily put a period to their own authority, it may be thought that their character would have stood for ever upon record almost without a blemish.

Present character of the parliament.

Nor are we to suppose that there were not many members in the assembly fully sensible to the glory which would thus be entailed on their labours. He knows little of human nature, who believes that there was not much of patriotism in this parliament. Men are, as the age in which they live, and the circumstances under which they are placed. This was an age of principle in England. Hampden and the rest of the most illustrious characters that sat there, communicated

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something of their own tone to the general mass. Many men rose to be great and exemplary leaders, who at other times would not have emerged from oblivion. Many men who at a different period would have been cold, vulgar, and almost sordid, now burned with the sacred flame of liberty. Self-denial and self-sacrifice were at this time feelings, as we might say, of ordinary occurrence.

What then was the parliament to do? The task of self-extinction appeared simple and comparatively easy. If on the contrary, though from the most generous motives, they should determine to protract their existence, they were sure extensively to expose themselves to an illiberal construction [n]. To the mere lover of fame this was the most decisive act of self-sacrifice. For the sake of their country, if their country's welfare required it, they were to make themselves, as a body, to the unthinking many the victims of satire and opprobrium. Nor, on the other hand, if they had dissolved themselves, would the disinterestedness have been great. We may be sure that the patriots, whose proceedings during this period had been so admirable, and who should have shewn themselves so noble in this their con-

[n] Not only the royalists, such as the author of a tract, entitled the Mystery of the Good Old Cause, brand the new members; but even Clement Walker, a staunch presbyterian, places his mark upon them, as "recruiters, illegally elected by colour of the new seal."—History of Independency, Part I, p. 166.

cluding act, would have been returned in great numbers to the ensuing parliament.

1645. Impossibility of a dissolution.

But this act was unfortunately perhaps impossible to be performed. The first difficulty that occurred, rose out of the forms of the English constitution. The present parliament could not be regularly dissolved, nor another held, without the king. They could not with any propriety apply to Charles for his assistance in this point, while they were in a state of war with him. The great seal was necessary in the calling a parliament; and the great seal was ordinarily considered as attendant on the sovereign. It is true, that the present parliament had caused a new great seal to be made, for the dispatch of indispensible business. But extraordinary remedies were not to be resorted to, beyond the absolute necessity of the case. For the present parliament to have employed their great seal to the extent of calling another and a new one, would have seemed a perilous and an audacious measure. We may guess, from the violent outcry that was raised against the moderate use of this expedient, what it would have been if they had employed it in so sweeping a manner. To call a new parliament without the king, would also have had the appearance of shutting the door against reconciliation, and would almost have amounted to the proclaiming a republican government. It was besides the character of this assembly, scarcely

Concurrence of the king necessary.

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ever to resort to measures more innovating and decisive than the occasion appeared to them indispensibly to prescribe.

Perilousness of the interval between parliament and parliament.

There was another difficulty in the idea of dissolving the present parliament and calling a new one by their own authority, which, if it were inferior to the one which has just been mentioned, was however of grave consideration. An interval was required between the existence of the present legislative assembly and its successor. First must come the dissolution, next the general election, and then thirdly the meeting and constituting the new parliament. This interval, to say the least, would have been unadviseable in the present posture of affairs. The parliament had perhaps conquered; but the war was not at an end. There were two parties in the nation that had proceeded to extremities against each other; neither disposed to recede from their irreconcilable pretensions; and it remaining impossible to say how so memorable a controversy would be quieted. The royalists would of course be disposed to take advantage of so wide an interruption of authority; and the nation was not yet sufficiently tranquillised to make such an experiment proper or judicious.

Practicability of partial new elections.

The house of commons had from the very commencement of the civil war, resorted to the expedient of declaring such persons as were most forward to engage in hostilities against them, dis-

abled from sitting in the present legislature. Whence, it was natural to ask, had they such an authority? Was not this a proceeding of the most lawless and despotic nature? But these are foolish questions. It was impossible, when two parties in the nation were at war, the one against the other, to do less. The extraordinary situation itself conferred and sanctioned an unusual power.

In all the earlier instances the parliament accompanied this vote of disability with the direction, that a new writ should be issued for filling up the place of the member thus declared incapable. But here the affair stopped. Agreeably to the customary forms the speaker issued his warrant to the clerk of the crown in chancery for the granting a new writ, to the originating of which the great seal was necessary. But the lord keeper had carried off the great seal to the king at York in May 1642. No new writ therefore was ever granted. Of consequence, after the earlier examples, the disability was merely pronounced, without the mention of a writ. A new great seal was by the parliament ordered to be made, and new keepers, or commissioners, appointed in November 1643. But, comformably to the practice we have remarked in this parliament, they called into play extraordinary functions only when the occasion seemed to make their exercise indispensible.

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1644. First step taken towards that end.

From the time in which the order to the speaker to issue his warrant for the granting new writs had miscarried, the question of filling the house with members seems first to have been mentioned on the thirtieth of September 1644. On that day it was voted by the commons, that the house should on a future day that was specified take the subject into consideration[o]. The actual decision on the question however was from time to time deferred. The reproaches that were made them by their enemies, of the paucity of their numbers, and the consequent want of authenticity in their decisions, appeared to afford adequate reason for their coming to some absolute conclusion. The step however that they had to take was a wide one; and it was but reasonable that they should pause before they determined. As long as the affair remained in suspence, it seemed as if the vote of disability, at least as to some of the persons to whom it applied, was not irrevocable. The instant they should decide for filling the vacant seats with new members, this proceeding would in some imperfect degree appear like constituting a commonwealth. The measure contemplated had altogether the most considerable features of an act of sovereignty. Yet it was necessary. They could not negociate with the king with sufficient weight in their present maimed and imperfect

[o] Journals.

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condition. An important portion of the kingdom was unrepresented in their assembly.

Reasons for hesitation.

There was another consideration of no small magnitude involved in the present question. Those members of the Long Parliament who had organised and conducted the war against the king, had been accused by their contemporaries, and the accusation has come down to the present day, of an inveterate *esprit de corps:* in other words, that they were desirous of perpetuating power in their own hands, and in the members of which the assembly was at present constituted. If they had desired this, they had a fair pretence for maintaining the ground on which they stood. They well knew what reproaches would be heaped upon them, if they pretended, in so material a point as recruiting their own body with one or two hundred additional members, to set aside the royal prerogative. Add to which, it was an arduous and an awful step, to refer to the people, especially in those districts which had originally chosen representatives the most inveterately royalist, the sending up to them so large a number of additional members. They knew how their body was at present constituted; they could count up the commoners who adhered to one party and the other; they were familiar with the dispositions and partialities of all and each: but who could tell what changes might follow upon

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1644. the measure now contemplated? This might well fill the minds of the timid and cautious with alarm. The men however who at present directed the affairs of the parliament resolved on proceeding. They believed that this step was absolutely requisite, to give them as much as possible the air of a free parliament, an assembly frequent and full, consisting of the men who had weathered the storm, with the addition of the representatives of the disaffected places.—The house of lords was what it had since been called by an eminent statesman, "a hospital for incurables." It was impossible for those who now sat at the helm of affairs to effect a renovation in that.

1645. New writs are issued. In the mean time the leaders acted with great wariness and deliberation. Though the subject was voted to be taken into consideration in September 1644, it was not till the August of the following year that any progress was made. It was so managed, that a petition was at that time presented from the borough of Southwark, praying that they might be authorised to elect two fresh representatives in the room of the former, one of whom was dead, and the other had been disabled by a vote of the house. This served as a signal for entering on a proceeding, which must be supposed to have been previously determined on. On the twenty-first it was decided by a majority of three, that new writs should be issued for South-

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wark, Bury St. Edmunds, and the cinque port of Hythe[p]. This beginning was speedily pursued: one hundred and forty-six new members were introduced into parliament in the remainder of the year 1645, and eighty-nine in the course of the following year.

Two hundred and thirty-five new members chosen.

This proceeding tended to bring the popularity of the parliamentary measures to the severest test. The war had already lasted three years. Every one who has speculated upon the operation of human feelings and preferences, knows the power of novelty. There was, it may be, originally something splendid and dazzling in the idea of combating against the first magistrate of the community for the liberties of all. But the gloss of the question might by this time have been expected to be worn off. However interesting the conception might at first have been of contending for the fundamental rights of human society, it was now evident that such a contention involved great sacrifices. Much blood had been shed; many hardships had been endured; multitudes of families had been driven from their peaceful homes; multitudes of individuals, without inclination on their part, had been compelled to leave the domestic circle and to take up arms. Taxes had been grievous; sufferings numerous; England, hitherto unvexed with the severities of

Danger with which the measure was attended.

[p] Journals. Whitlocke, *sub die.*

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public exaction, had endured evils in this nature, to which to the present hour she had been altogether a stranger. Families had been divided among themselves; the father a royalist, the son a parliamentarian; the elder brother in one army, the younger ranged under the opposite standard. How desirable was peace! The parliament was now unquestionably the conqueror. Was there not great danger that, intoxicated with victory, they might be disposed to push their advantage too far? What could be more natural, than that the sober and dispassionate part of the community, attached to their ease, attached to their property, and removed from the sentiments which urged the parliamentary leaders to go forward in their career, should strike the sword out of the hands of either party, and somewhat unwarily, and without experience enabling them to calculate on consequences, force the elated victor to submit to such terms as could be extorted from the obstinate, the self-willed and incorrigible sovereign [q]? This the opportunity of these new elections might enable them to do. It was undoubtedly a courageous and somewhat perilous deed, at this period to determine on an extensive renovation of the legislative body.

Names of the most illustrious among the new members.

Among the persons at this time returned to serve in parliament, were sir Thomas Fairfax,

[q] Ludlow, Vol. I, p. 168.

Blake, Ludlow, Algernon Sidney, Ireton, Skippon, Massey and Hutchinson[r].

1645. Considerations on the self-denying ordinance.

This circumstance throws considerable light on the considerations which belong to the subject of the *self-denying ordinance*.

It has been commonly imagined, that the independents, after having carried a measure so full of boastful disinterestedness, acted a part directly contrary to their professions, smuggled in one exception after another, Cromwel the first, enriched themselves with the spoils of the nation, and silently and imperceptibly antiquated the law, which had at the moment been their great instrument for defeating their adversaries of the presbyterian party.

First ordinance, prospective rejected.

But this way of stating the question is by no means exact. The original self-denying ordinance, as it was called, directed that no member of either house of parliament should, during the present war, hold any office, civil or military, such office being conferred by the authority of both or either of the houses[s]. This ordinance was defeated in the house of lords by the machinations of the presbyterians, and never passed into a law.

Second ordinance adopted.

A second ordinance, which was called by the same name, was brought in a short time after,

[r] Brown, Notitia Parliamentaria. Ludlow, Vol. I, p. 169, 170.

[s] Journal of Commons, Dec. 11, 1644.

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and was attended with a more successful event. The enactment of this ordinance was, that every member of parliament was hereby discharged from whatever office, civil or military, that had been conferred by the authority of parliament [t]. The former edict was prospective, and had more of the ordinary character of a law; the second prescribed some thing immediately to be done, and no more [u].

Military characters elected.

All the persons above enumerated as among the new members of the house of commons, were in the military service of the parliament. The idea therefore of uniting the two characters of a legislator and an officer, was by no means executed in an indirect and covert way, but was brought fully and broadly under the eye of the public.

Object of the first ordinance.

The men now in power did not by such a proceeding break any law, for it never had been a law. The only question for them to decide was, whether they were bound in delicacy and honour, to adhere to the prescription of an intended law (which had been defeated) because they had proposed it. The original self-denying ordinance appears to have originated from two motives. The first object undoubtedly was, to supersede Essex, Manchester and Waller, the officers who

[t] Journals of Lords, April 3.

[u] See Vol. I, p. 409.

had shewn themselves averse to a victorious conclusion of the war, without putting a direct affront upon them. It must also be supposed, that at least many of the supporters of the measure were strongly convinced of the advantage of separating the character of an officer, civil or military, and a legislator.

Motives causing the second.

What was the cause of the striking difference between the first and the second self-denying ordinance, must be a matter purely of conjecture. It is not improbable that some of the great leaders of the independent interest began in this interval to suspect, that the advantage of permanently separating the legislative character, and that of an officer, civil or military, was more specious than real. Besides, as their adversaries had contrived to defeat their measure in the upper house, they felt less delicacy towards them, and constructed an edict which more plainly pointed at the individual change in the public service which they held to be immediately required. The new law therefore was a temporary expedient, and the general principle was left as before. How far it is true, that the party now in power shamelessly grasped at every emolument they could procure, and enriched themselves with the spoils of the nation, is a question we shall hereafter have occasion to examine.

Disposition of John Lilburne.

From the scene of these momentous changes, and these heroic proceedings, it is not unnatural

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to look back to John Lilburne. While all this was doing, he sat in his corner, and could think of nothing, but the impropriety of answering interrogatories. Such is the true picture of a vulgar patriot—narrow of comprehension, impassioned, stiff in opinion—seeing nothing, but what he can discern through one small window, and sitting at a distance from that—so that the entire field of his observation, his universe, in the wide landscape of the world, and the immense city of mankind, with all its lanes, its alleys, its streets, and its squares, is twelve inches by twelve.

Disposition of Cromwel

Remarkably in contrast with this is the spirit of Cromwel's letter to the house of commons, giving an account of the surrender of Bristol. "Presbyterians, independents," says he, "all have here the same spirit of faith and prayer: they agree here, have no names of difference: pity it is, it should be otherwise any where [w]."

Officers of state.

The self-denying ordinance which passed into a law early in the present year, purported no more than the discharging all members of either house of parliament from whatever offices, civil or military, that had been conferred on them by the legislature. In pursuance of this law many eminent officers resigned their appointments, and among the rest the earl of Warwick, lord high admiral. It was however judged expedient, that the affairs

[w] Rushworth, Vol. VI, p. 88.

of the admiralty, of the navy, and of the revenue should be administered by commissioners who were members of the two houses [x]. The commissioners of the admiralty were six lords and twelve commoners, of whom the most conspicuous were the earls of Northumberland, Essex, and Warwick, lord Say, Denzil Holles, Selden and Whitlocke. The commissioners of the great seal, the majority of whom were members of parliament, were continued as before.

Nomination of judges.

Towards the close of the year, the parliament took another step in the style and character of an authority sovereign and complete, but which the state of affairs seemed to render necessary. About the end of August the two houses voted, that it be referred to the commissioners of the great seal, to consider of fit persons to be judges in the room of those who were either dead or displaced [y]; and, one month later, Henry Rolle, Peter Pheasant, and Edward Atkins, serjeants at law, were nominated to be, a judge of the king's bench, a judge of the common pleas, and a baron of the exchequer, respectively [z]. They were sworn into their offices, preparatory to the commencement of Michaelmas term [a]. About the same time Richard Tomlyns was constituted cursitor baron of the exchequer, in the room of the person who had previously held

[x] Journals of Commons, April 7.

[y] Journals of Commons, Aug. 27. Of Lords, Sep. 30.

[z] Ibid. Sep. 30. [a] Whitlocke. Oct. 28.

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the office, but who had adhered to the king [b]. An ordinance at the same time received the sanction of parliament, declaring five of the judges, Heath, Crawley, Weston, Foster and Mallet, for having deserted their places, and advised and assisted the war against the parliament, to be disabled, and their appointments to be void, in the same manner as if they were actually dead [c]. In opposition to these proceedings, the anti-parliament at Oxford emitted a declaration, pronouncing the commissions of the judges under the great seal at Westminster, and the pleadings there, to be high treason, and that great seal to be void [d]. This was nearly the last sitting of that anomalous assembly.

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[b] Journals of Lords, Sep. 29. [c] Journals of Lords, Nov. 24.
[d] Whitlocke, Nov. 19.

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COMMENCEMENT OF THE MISUNDERSTANDING BETWEEN THE PARLIAMENT AND THE SCOTS.—FINANCIAL EMBARRASSMENTS OF THE PARLIAMENT.—EFFECTS OF THIS ON THE SCOTTISH FORCES.—SURRENDER OF CARLISLE.—ENGLISH CLAIM POSSESSION OF THE PLACE.—LEVEN WITHDRAWS INTO THE NORTH.—UNFRIENDLY DECLARATIONS OF THE PARLIAMENT.—SCOTS BESIEGE NEWARK.

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1645. Commencement of the misunderstanding between the parliament and the Scots

DURING the whole of this year that coolness and alienation grew up between the Scots and the ruling party in England which was afterwards attended with such memorable consequences. The first root of this difference is to be found in the question of presbyterianism. The motive that had at all times been assigned as being the leading inducement to the Scots to enter into the solemn league of autumn 1643, and afterwards to send an army into England to cooperate with the forces of the parliament, was the desire to see an uniformity of church-government established in both parts of the island. The Scots had therefore always looked on the party of the independents

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with a jealous eye. But the party of the independents was continually growing in numbers, and was embraced by a great majority of the men of highest talents in the English nation. The independents were by no means adverse to the establishment of a mitigated presbyterianism as the public system of ecclesiastical administration of their country. But this did not satisfy the presbyterian party either English or Scots. They insisted on an absolute uniformity, that no other doctrines should be promulgated, and no other preaching permitted, but their own. The question was that of religious toleration. And, though the demands of the independents in this respect were moderate, they were not less strenuous in urging them. An entire liberty of conscience was inexpressibly dear to them; and they looked with horror upon the penalties and proscriptions for which their adversaries perpetually pleaded.

Grounds of the controversy.

Virtuous intentions of the presbyterians.

At the present day all the friends of liberty, civil or religious, contemplate with astonishment the rigours of the presbyterian party. We read their denunciations against schism in much the same spirit, as we look into the controversial writings of sir Thomas More, who thought the unity of the church, which its divine author had promised should continue entire "even to the end of the world," would be for ever subverted if the fences of the Romish system were permitted to be broken down. But sir Thomas More, and many

of the presbyterians of the time of Charles, were men of great virtue, high integrity, and the purest intentions.

Aversion of each party to the other.

Such was the original ground of that division which produced such important results. The men who were most active in either party, still felt themselves farther and farther removed in spirit from each other. We have seen how warmly the Scots declared themselves against Cromwel, and how contemptuously Cromwel spoke of the Scots, before the expiration of the year 1644.

Slow in coming to a decided breach.

Both parties however were slow in coming to a decided breach. Each thought the great cause in which they were engaged, against episcopal domination in religion, and despotic usurpation in civil matters, of so great moment, as to make it right that they should act together as far as possible, and that neither should lightly throw off an ally, whose cooperation might materially influence the ultimate result. Accordingly, so late as one week before the battle of Naseby, we find an urgent letter written to the leaders of the Scottish army on the part of the two houses, pressing them to advance to the south, and expressing the "confidence of parliament, as to the impression the present posture of affairs would make in their heart and affections, who had already given such ample testimony of their concern for

Scottish army advances.

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the common cause[a]." The army under Leven promptly, though somewhat of the latest, obeyed this summons. They laboured under great straits as to pay and provisions; they did not however suffer themselves to be deterred by this, but pressed forward into the heart of the kingdom, to Nottingham, to Tamworth, to Birmingham[b], and in the following month formed the siege of Hereford[c].

Financial embarrassments of the parliament.

The parliament had found great difficulty in raising money for the payment of their troops and of the expences of the public establishment; and their different armies were often considerably in arrears[d]. No government in civilised Europe had been carried on with more limited finances than that of Elizabeth: the fixed revenues had been but little increased since her time: and now, that campaign succeeded incessantly to campaign, that three or four armies on each side were kept in the field, and that the enterprises, the marches, the skirmishes, the sieges, and the surprises which were undertaken, were almost innumerable, it became necessary to have recourse to very different means and expedients for the public

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[a] Journals of Lords, June 7.

[b] Rushworth, Vol. VI, p. 120. [c] Ibid. p. 122.

[d] Hollis, Memoirs, p. 31, says, that at the period of the new model, "a fortnight's pay was ordered to the soldiers cashiered, where many months were owing."

supply, than those which had sufficed for the long period of peace that had gone before. All this would doubtless compose the subject of a very instructive history; but the object of that which is here given, is to treat of contending political principles and systems, and not of the considerations of finance and revenue.

Honourable character of the military.

Though the armies of the parliament suffered much from the very straitened and incompetent resources that could be commanded by the legislative body, they bore these inconveniences with exemplary patience and duty. The zeal, both civil and religious, of the cause in which they were engaged, sustained them; and we hear of scarcely any desertions, except among the more dissipated of the nobility, or of such officers as were mere soldiers of fortune, who fought for no cause either on one side or the other, and were stimulated only by self-interest, or the despicable impulses of personal vanity.

Brotherly assistance voted to the Scots.

But, if the English armies suffered from the limited revenues in the disposal of the parliament, it cannot be supposed that the same cause must not have been the occasion of hardship to the Scots. Three months after its meeting, the Long Parliament very magnificently voted a remuneration of three hundred thousand pounds to the Scots, for the "brotherly assistance" they afforded to this nation in the struggle which had immediately preceded. But this requital remained

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1641. The payment attended with great delays.

for the most part on paper only. The train of events which succeeded, rendered the payment impracticable. Immediately before Charles's journey into Scotland in the autumn of 1641, it being judged necessary that the armies of the two countries should be disbanded, from an apprehension of the intrigues that might take place on that occasion, the sum of eighty thousand pounds of the brotherly assistance was disbursed to the Scots, together with one hundred and twenty thousand pounds, the whole arrear of pay due to the Scots' forces [e]. At the same time an act of parliament was made for securing the two hundred and twenty thousand pounds which remained due [f]. In the close of the same year, upon the breaking out of the Irish rebellion, the Scottish parliament offered to raise and transport ten thousand men to be employed against the enemy in that country at their own expence, upon condition of their being taken into the pay of England on their arrival [g]. Ten thousand pounds of the remainder of the brotherly assistance was upon this occasion advanced to facilitate the operation [h]. This army was in the sequel irregularly and scantily paid. Finally a third

Scots' army in Ireland.

1642.

[e] Journals of Commons, May 21. Rushworth, Vol. IV, p. 366.
[f] Journal of Lords, Aug. 10.
[g] Journals of Commons, Dec. 15.
[h] Journals of Lords, Jan. 24. of Commons, Feb. 1.

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1643. Allied army in the north of England.

transaction of a similar nature took place in the autumn of 1643 upon the conclusion of the solemn league and covenant, and the march of twenty-one thousand Scots into England to assist in the prosecution of the war. The terms of the agreement for that purpose were, that England should pay thirty thousand pounds *per* month for the subsistence of the Scottish army; upon which account one hundred thousand pounds were to be advanced, that the forces might the more speedily be enabled to march[i]. This advance-money however did not immediately come in. An ordinance was made in October 1643, to raise two hundred thousand pounds by way of loan; one hundred thousand pounds of the sum to discharge this condition of the treaty, and the remainder to liquidate the arrears of the Scots' army in Ireland[k]. But, this money not being produced so soon as was desired, two other ordinances were successively made, to fill up the amount[l].

Difficulties experienced by the Scots

The Scottish army, being so ill paid, was reduced to the alternative of frequently living at free quarter. This produced the double disadvantage, of a most injurious relaxation of discipline, and of rendering them a source of vexation, and an object of displeasure and dislike, in the counties where they were quartered[m]. It

[i] Rushworth, Vol. V, p. 485. [k] Journals of Lords, Oct. 16.

[l] Ibid. Oct. 27, 1643; Dec. 3, 1644.

[m] Hollis, p. 46. *et seqq.* Journals of Lords, June 23, 1645. Baillie, Vol. II, p. 97.

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was also a considerable cause of their being so long before they yielded to the pressing importunities of the English parliament for their march into the south. It appears however that they had at all times plenty of provisions, and from time to time received a small supply of money[n].

Ill effects to both nations.

Meanwhile the armies of the Scots scarcely obtained any recruits from their own country. That of Leven was nominally twenty-one thousand, but did not exceed two-thirds of that number. During the early part of the year they seemed to be little better than a burthen on the country they came to assist. The hostilities of Montrose in the heart of Scotland did not operate to encourage them to exploits in the south. Their slender and precarious pay paralysed them still farther. The uncertainty which hung upon the success of the presbyterian interest in England made them feel less zealously disposed towards the cause of the parliament. On the other hand, their inactivity, their uselessness, and their declining numbers, rendered them an object of contempt to the metropolitan nation. At length they advanced into the south; but their proceedings were not attended with any brilliant success.

Dispute concernin the possession of Carlisle.

The first open act, expressive of the alienation that was growing up between the two countries,

[n] Baillie, Vol. II, p. 99, 104, 135.

related to the garrisons in the northern counties of England, particularly Carlisle. It was foreseen that this city must speedily fall before the army of the earl of Calendar, who had besieged it for almost twelve months. A question therefore was stirred, which of the two countries should have the immediate possession of the place. The Scots set up a strong claim, inasmuch as it was to be reduced by their arms, and still more as this was a fortress particularly effective to prevent the threatened junction of the royalists of England with the forces of Montrose. They also urged, that by the large treaty, as it was called, of 1641, it had been provided, that henceforth there should be no garrison either in Berwick or Carlisle, but that those places should be wholly dismantled, so that no monument should remain of hostility between the two nations. By the treaty of 1643, in consequence of which the Scots' armies had marched to the assistance of England, it was stipulated that Berwick should receive a Scots garrison; and they therefore alleged there could be no doubt that, if Carlisle had been then in possession of the parliament, a similar provision would have been made relative to that city[o]. The parliament strangely enough urged on the other side the instructions

[o] Journals of Lords, June 24, Nov. 11.

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they had given to Vane and the other commissioners in 1643, that they should claim the absolute possession of these places, so soon as they should be wrested out of the hands of the royalists[p]. But the principal motive with the ruling party in England for stirring this debate, was the desire they felt to put a restraint on the Scots, whom they regarded with a jealous and wary eye for the importunity with which they pressed the cause of intolerance in the southern kingdom.

Surrender of that city by the royalists.

This question was first brought forward about eight or ten days after the battle of Naseby. At that time a resolution was voted by the house of commons, that upon the surrender of Carlisle an English governor and garrison should be placed there[q]. The expected event of the surrender took place before the end of June; and, as the siege had fallen to the lot of the earl of Calendar, so, as soon as possession was given, he placed in it a garrison of his own forces[r]. At this period commissioners were appointed from both houses to treat with the parliament of Scotland then sitting; and the proposition respecting Carlisle was so far modified, that they were in-

[p] Ibid. June 28.

[q] Journals of Commons, June 23.

[r] Journals of Lords, July 5.

structed to require only that the Scottish garrison should be removed, and that then the place should be dismantled[s].

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Scots before Hereford.

It was on the thirtieth of July that the Scots formed the siege of Hereford; and early in August they detached David Leslie, with four or five thousand horse, in pursuit of the king, who seemed to be advancing far into the north[t]. On the fifteenth occurred the disastrous battle of Kilsyth, which appeared to place the whole lowlands of Scotland, with its most flourishing cities, at the mercy of the conqueror. In consequence David Leslie was loudly called home for the relief of his country; and Leven, stripped of his horse, and confounded by the prostrate condition of the Scottish parliament from whom he had received his commission, upon the approach of the king raised the siege of Hereford in the first days of September[u]. He immediately directed his march to the north, thinking probably that his aid might be necessary to rescue his country from the merciless fangs of the followers of Montrose. But, ere he could arrive, the gallantry of David Leslie, and the unaccountable infatuation of the royalist leader, hitherto so vigilant and

The siege is raised.

[s] Journals of Commons, July 27.

[t] Journals of Lords, Aug. 15.

[u] Rushworth, Vol. V, p. 133.

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indefatigable, nearly put an end to the war by the battle of Philiphaugh on the thirteenth.

1645. Displeasure of the English.

Nothing could be more natural, and perhaps justifiable, than the proceedings of Leven under these circumstances. It however filled up the measure of the distaste which the leaders of the English parliament had conceived against the military conduct of the Scots. During the whole campaign they had rendered no substantial service, with the single exception of the reduction of Carlisle. They had lived at free quarter, and been guilty of many excesses; and though this was, it may be, the inevitable consequence of the imperfect and irregular way in which they were paid, it did not the less excite vehement outcries against them, and impatience of their presence.

Leven's army quartered in Yorkshire.

This situation was rendered still more galling by the retrograde movement of Leven. He proceeded north as far as Yorkshire, and disposed his army into different quarters from the walls of the city of York to the banks of the Tees[w]. Here his forces answered no other purpose, than to vex and impoverish the peaceable and well disposed inhabitants. The house of commons, irritated at this posture of affairs, made haste to vote that the Scots' army be directed forthwith to march to besiege Newark, and that they should lay no

[w] Journals of Lords, Oct. 15.

assessments, or levy contributions, in their way[x]. For some reason Leven was inattentive to these orders; and strong reports were in circulation that he had engaged in a secret treaty with the king[y]. This led to declarations of a still more unfriendly nature on the part of the English parliament. They resolved, that the continuance of the Scots' army in the northern parts was not only unserviceable, but prejudicial to the ends for which their assistance had been desired, and destructive to those parts of the kingdom; that their answer, procrastinating the march to besiege Newark, was not satisfactory; and that their laying contributions, and raising money upon the subjects of this kingdom, was contrary to the treaty. The two houses further declared, that the inhabitants were free from any obligation to pay these impositions, and once again demanded that the Scottish garrisons should be removed from Carlisle, Newcastle, and the other fortresses in the north, which they at present held[z].

Unfriendly votes of the parliament respecting them.

Lord Wharton, and four members of the house of commons, had been appointed in July commissioners from the parliament of England to treat

Commissioners in Scotland.

[x] Journals of Commons, Sept. 23.
[y] Journals of Lords, Oct. 15, 30. Baillie, Vol. II, p. 162.
[z] Journals of Commons, Oct. 14. of Lords, Oct. 21.

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and conclude with the parliament of Scotland, or the committee of estates for that country[a]. The principal object of their journey seems to have been the northern garrisons. They arrived at Berwick the day after the disastrous field at Kilsyth; but, as the subject of their embassy was an unpalatable one, and as the Scots had for some time too substantial an apology for a want of leisure, they were baffled and delayed till the middle of October, when they met the commissioners of the parliament of Scotland at St. Andrews. But their discussion ended without effecting any real advantage[b].

Leven besieges Newark.

At length the misunderstandings between the parties were so far healed, that the earl of Leven came with his army and sat down before Newark about the twenty-sixth of November[c]. The earl of London, lord chancellor of Scotland, had strenuously exerted himself for the restoration of harmony between the two nations[d].

Rooted distaste of the parliamentary leaders and the Scots.

But the seeds of discontent were too deeply sown, for this to be any thing more than a temporary reconciliation. A great part of the present year had been obscurely occupied in the strug-

[a] Journals of Commons, July 5, 27.
[b] Journals of Lords, Nov. 11.
[c] Ibid. Dec. 5.
[d] Baillie, Vol. II, p. 168, 171.

gles between religious uniformity and toleration; and the Scots, in whose eyes toleration was a mischief most of all to be deprecated, intemperately and eagerly took part in these struggles, with the generous desire not only to entail intellectual slavery on themselves, but to impart its blessings undiminished to their neighbours.

CHAPTER XXIII.

ECCLESIASTICAL PROCEEDINGS IN ENGLAND.—TERMS OF CHURCH-COMMUNION DEBATED.—DEBATE OF THE LAY-OFFICERS OF THE CHURCH.—PETITION OF THE ASSEMBLY OF DIVINES—OF THE LONDON CLERGY—OF THE CORPORATION OF THE CITY OF LONDON.—ERRONEOUS PRINCIPLE OF THE PARLIAMENTARY LEADERS.—FIENNES AND MARTEN RESUME THEIR SEATS IN PARLIAMENT.—GROWING POWER OF THE INDEPENDENTS.—BRADSHAW.

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1645. Advances towards toleration.

It has already been mentioned, that in the autumn of 1644 Cromwel moved for and obtained a committee of the two houses of parliament, to be joined with the Scots commissioners and a committee of the assembly of divines, whose business it should be to take into consideration the differences of opinion in point of church-government, and endeavour a union if possible; or, if not, to apply themselves to devise means by which tender consciences might be borne with, consistently with scripture and the public peace[a]. This com-

[a] See above, Vol. I, p. 381.

mittee was afterwards known by the name of the committee of accommodation.

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The presbyterians, including the Scots, inclined to the first part of the alternative here stated; and, seeing that their adversaries were too formidable, both in energy and ability, to be subdued by means of rigour alone, consented to call on them for a statement of what they required [b], and were willing to consider whether, by some unessential sacrifices, they could win them over to the union they so earnestly desired. But the independents did not approve of this mode of settling the business, and, to the great astonishment and scandal of their opponents, not contented with being tolerated themselves, insisted upon the same privilege for anabaptists, Lutherans, and the adherents of every kind of error, provided it were "not fundamental, or maintained against knowledge [c].

Terms of church-communion debated.

Another question, intimately connected with this, and not less earnestly debated, was that of ecclesiastical discipline, or the power of the keys. This contained in it admission to or exclusion from the symbols of the Christian faith, excommunication, and church-censures, together with such incapacities and badges of disgrace as it might be judged proper to annex to these cen-

[b] Baillie, Vol. II, p. 97, 134, 139, 149.

[c] Ibid. p. 169, 170, 172.

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sures. The power of suppressing heretical doctrines was not complete without that addition. The Scots therefore, and the adherents of their system in England, required that this power should be vested exclusively, and in its full extent, in the officers and councils of the church. There was no question that the presbyterian hierarchy and gradation of classes and officers were to be set up in England by law. The power of discipline was therefore to be ceded to the hierarchy; but it was disputed, with what limitations it was to be given, in the first instance; and next the friends of liberty insisted that an appeal should lie from the censures of the church to the judgment of parliament. Of course all the common topics lay open in this case, against the sacrilege of referring what was done by spiritual persons in the exercise of their functions, to the examination and control of a lay assembly.

Appeal to the two houses of parliament proposed.

Power of the independents increases.

The power of the independents however was perpetually increasing. It was the army of the new model that won the battle of Naseby, and, after that victory, had with so much vigilance and success completed the campaign: and their exploits stood in strong contrast with the fluctuating and irresolute proceedings of the presbyterian commanders in former years, and with the inactiveness and inefficiency of the Scots' army in the present year.

Strength of

The parties in this great contention for religious

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and intellectual liberty were very closely matched; and seldom has any struggle been carried on with more vigorous pertinacity. On the one side were the city of London, the London clergy, and doubtless the majority of the clergy throughout the kingdom, the assembly of divines, and the potent and combined body of the Scottish nation. On the other side were the army, the religious independents, the political independents, the Erastians, such as Selden and Whitlocke, and a combination of men of the highest degree of talent, Cromwel, Vane, St. John, and others. The parliament itself was nearly equally divided; and sometimes the one party had the prevalent authority, and sometimes the other.

the two parties.

The most earnest contention was directed to the point of excommunication, in which the church demanded to be vested with a full and unlimited authority. The adversaries of presbyterian usurpation directed their efforts to the controling and shackling that authority. They first caused the house of commons to call on the assembly for a specific enumeration of those disqualifications which should be sufficient to shut out the individual from a participation in religious ordinances, that this enumeration might be inserted in a law to be made on the subject [d]. The assembly consented to give in an enumeration, but urged the

Topics of their contention.

[d] Journals of Commons, Mar. 21.

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necessity of its being followed with a general clause, providing for other scandals and irregularities not contained in the schedule. Another point in which they were thwarted about the same time, was in a vote of the house of commons, by which it was provided that, if any person should find himself aggrieved by the proceedings of those possessing authority in any particular congregation, he should have the liberty of appeal to the classical assembly, from thence to the provincial, from thence to the national, and finally to the parliament[e]: thus giving to the civil authority the superiority in the last resort over the ecclesiastical. Thus far the business had advanced previously to the great event of the battle of Naseby.

Discussion respecting lay-elders.

On the seventh of July the assembly of divines sent up to the two houses of parliament what they considered as a complete system of church-government[f]. The presbyterians and the Scots wished this system to be passed by the legislature without alteration; but such was by no means the purpose of the opposite party. The chief modification introduced into it appears to have been, that a committee of ministers and others should be appointed by authority of parliament, to take into consideration the exceptions that might be tendered against the lay officers, denominated

Ordinance appointing Triers.

[e] Ibid. May 13. [f] Journals.

elders, who might be chosen by the ministers and members of the several congregations, and either to approve of them, or set them aside, as to their judgment should appear fitting[g]. The majority of the assembly on the other hand felt the greatest repugnance to the interference of the civil power in this, and still more in the question of disqualifications to participate in religious ordinances, and petitioned the two houses accordingly[h]. They went so far in their petition as to say, that if the ministers and elders were not sufficiently authorised to keep away all wicked and scandalous persons from the sacrament, they foresaw, that not only they, but many of their godly brethren, must be put to the hard choice, either to forsake their stations in the church, or to partake in the sins which must result; and they added, that in *that alternative they were resolved with God's grace to chuse affliction rather than iniquity*[i]. These representations do not appear to have met with much attention; and the ordinance respecting the election of elders passed into a law on the nineteenth of August. The more immediate object of this ordinance was the establishment of a presbyterian church-government within the province of London, with suitable provisions for the

Petition of the assembly.

[g] Journals of Lords, Aug. 19.

[h] Journals of Commons, Aug. 1, 8.

[i] Journals of Lords, Aug. 12.

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erection of congregational assemblies in the different parishes, and of twelve classical assemblies for so many classes into which the province was divided. Towards the end of September the two houses proceeded to name the persons who should be appointed triers of the integrity and ability of such as should be chosen lay elders in the several parishes; the number of triers being three clergy and six laymen to each of the classes[k].

Ordinance respecting the terms of communion.

The two houses proceeded at the same time with an ordinance, containing rules and directions respecting the suspension or exclusion of communicants from the sacrament; and, after much deliberation, this ordinance was completed in the middle of October. The examination and judgment of any alleged disqualifications, whether of ignorance or scandal, were by its provisions committed to the congregational assembly, or eldership in each parish; but with the reserve of an appeal from the eldership to the provincial assembly, from thence to the national assembly, and thence to the parliament. There was also a caution inserted in the law, that cognisance and examination of any capital offence should belong to the civil magistrate only, and that the presbytery or eldership should not pass judgment upon any thing, wherein any matter of payment, contract or de-

[k] Journals of Commons, Sep. 26. of Lords, Sep. 30.

mand was concerned, or of any matter of conveyance, title, interest or property in land or goods[l].

Petitions against these ordinances.

The modifications under which these things were decreed were extremely disagreeable to the presbyterians. A petition was presented to the two houses towards the end of August from the ministers of London and Westminster, to much the same purpose as the petition offered from the assembly a few weeks before[m]. Another petition on the subject was in some forwardness, and was intended to be signed by such of the citizens as approved the contents; but, being complained of to the house of commons, they condemned it by a vote, and appointed a committee to enquire respecting its authors and promoters, and to draw a declaration against it[n].

Interference of the Scots' commissioners.

The Scots in the mean time contributed their efforts to support with their utmost power the presbyterian cause in England. Baillie says, that at the time the assembly presented their petition in August, the house of commons appointed a conference with the Scots' commissioners, in which the latter proposed in the strongest manner to press the question of religious uniformity[o]. As no trace of this is to be found in the Journals, it is impossible to say how

[l] Journals of Lords, Oct. 20.
[m] Ibid. Aug. 29.
[n] Journals of Commons, Sep. 20.
[o] Baillie, Vol. II, p. 150.

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this conference was conducted, and in what manner it terminated.

Their memorials.

On the first of October the Scots' commissioners presented to the houses of parliament two memorials, on the question of religion, and on the arrears which were due to their army[p]. The time of presenting these papers gave their adversaries great advantage against them. It was felt, that, while the army of Leven remained inactive, a useless and a grievous burthen upon the northern counties of England, it was scarcely becoming in the Scots to use that period, for pressing the doctrines of intolerance, and interfering with their authority against the strongest party and the most considerable men in the English parliament. It was accordingly on this occasion that the two houses came to those severe votes against the Scots which have been already recited[q]. At the same time the independent clergy, members of the assembly, gave in a remonstrance to that body, in which they plainly declared that they had no terms of accommodation to offer for the purpose of obtaining admission for their followers into the body of the presbyterian church, but demanded a complete liberty, not only for themselves, but for all others professing the Protestant faith, to

Remonstrance of the independents.

[p] Journals.

[q] See above, p. 59.

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worship God according to the dictates of their conscience[r].

Committee of accommodation revived.

The tables being thus turned upon the adherents of presbyterianism, it was thought advisable by them to revive the committee of accommodation, which had owed its existence to the motion of Cromwel in the preceding year. This measure was accordingly adopted early in the month of November[s].

Corporation of London petitions against the ordinances.

In the meantime the firm phalanx of the English presbyterians determined to make the most strenuous resistance to the new ordinances concerning church-government. Though the law for the introduction of twelve classical presbyteries in the province of London had received the sanction of the two houses of parliament early in August, the London clergy professed themselves adverse to its execution till they had been satisfied in the points of which they complained, and it still remained a dead letter. On the nineteenth of November they made a strong effort to obtain from parliament a greater degree of attention to their representations than they had yet experienced. On that day certain members of the court of aldermen and of the common-council presented to the house of commons, and the day following to

[r] Baillie, Vol. II, p. 160, 170, 172.

[s] Journals, Oct. 31, Nov. 14. Baillie, Vol. II, p. 167, 171, 172, 179.

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the house of lords, a petition from the corporation on the subject, accompanied with a memorial which had been tendered to the corporation by the London clergy, and a petition signed by many of the citizens. The representatives of the corporation had no sooner withdrawn, than a committee of the London clergy presented themselves with a petition to the same effect. To these suitors the house of commons returned discouraging answers. To the corporation they replied, that, upon perusal of their petition and the memorial annexed, they found the proceedings of parliament misrepresented and mistaken, and they therefore desired that, in things depending in parliament, their proceedings might be neither prejudged nor precipitated, nor any sense put upon them other than the parliament itself should declare. They added, that they had had so full a testimony of the affections of the corporation to the public, and to the cause in which they were all engaged, that they willingly ascribed their conduct in this instance to the purest intentions. With the deputies of the clergy they were less ceremonious. They sent out two of their members to them to acquaint them, that they might go home, and not trouble themselves with further attendance, the house having resolved to take the business into consideration. At the same time they appointed a committee to examine how and by what steps the petition and memorial had proceeded, and

Petition of the London clergy.

Reception of these petitions.

who were the advancers and promoters of the measure [t].

Erroneous principle of the parliamentary leaders.

Though the exertions of the leading party in the parliament were engaged in this instance in the noblest of causes, freedom of thinking and of conscience, we cannot but observe that there was something irregular and crude in the form of their proceeding. They professed to hold, that it was in some sort a breach of privilege for any man or body of men, not a part of the parliament, to take notice of measures depending in parliament. They appear to have borrowed this idea, from a rule which they very properly inforced as towards the sovereign, that it was improper and unconstitutional (I mean not consistent with the principles of a free constitution in government), that he should act as acquainted with proceedings depending in parliament, till they were communicated to him by one or both of the houses of parliament. But the cases are by no means parallel. All established government, containing in it a first magistrate who holds his office for life, may be said to have a tendency towards absolute monarchy. The king is one, public transactions are for the most carried on in his name, and he is the visible head of the nation. Honours flow from him: rewards and temptations are in his distribution. In every limited monarchy therefore, a

Impropriety of royal interference with measures depending in parliament.

[t] Journals of Commons, Nov. 19. of Lords, Nov. 20.

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jealously of his ascendancy, and of the encroachments of prerogative, is wholsome. The king must not shew himself acquainted with any thing depending in parliament, or appear to take a part for or against any measure in deliberation; because it is in his power to seduce the members of the legislature from their duty, and to overawe their deliberations. When a measure is matured, it is presented to him for his approbation; but, till then, he must have no expressed opinion respecting it. He must not notice the discussions in which the legislature is engaged.

Propriety of the peaceable interference of public bodies and individuals.

But the case of the people is widely different. Government is instituted for their benefit; and, particularly in the case of a representative body of legislators, the representatives are merely their factors. It is absurd to suppose, that the principal is in no case to interfere with the exercise of the functions he has delegated. We are at this day more familiar with the principles of a representative government, than our ancestors were in the days of the commonwealth. We are well aware that there is no time so proper for the people to interpose in an affair of public regulation, as when the question is under the discussion of their representatives. To petition that a law may not be established, is a milder expression of the sentiments of the people, than to petition that it may be repealed. It is salutary that there should be much communication between a house

of commons and its constituents. The elected are the heart, the electors are the body politic; and the circulation between the one and the other should be as free as air. The people have a right to communicate their opinions and their judgments to their representatives: it is desirable that the governors should be well informed of the feelings and predilections of those they are to govern.

More correct ideas now entertained on this subject.

For the correct notions that are now entertained on this subject, we are inexpressibly indebted to the publicity which is given to all considerable transactions through the medium of the daily press. Till within our own memory, it was treated as a breach of the privilege of parliament to promulgate any thing which passed in the course of its debates. The English house of commons resembled in this respect a Venetian senate. It is obvious that, in the first accidental and fitful communication of these things, great misrepresentations must have arisen. These misrepresentations were strongly remarked; and an inference was made of the necessity of absolute secrecy as to legislative deliberations. In the beginning of the reign of George the Third, the record of the debates of a whole session is contained in a few pages. But, as soon as the right or expediency of publishing these debates was fully recognised, the industry of those who expected to gain by the publication

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was strongly excited, and great and incredible improvements were rapidly made. The reports of parliamentary debates are now sufficiently accurate for all active and practical purposes. The same publicity has pervaded our courts of law, and all judicial proceedings. Government, in many of its branches, is no longer a mystery: the curious and reflecting part of the public is copiously informed of what is going on; and by consequence the people are called on to make, and actually make, an integral member of the government. They are aware of what passes; they are accustomed to canvas political subjects; and they are therefore adequately prepared to give an opinion upon such measures as are in progress. A sober and well considered remonstrance of the impression they entertain of measures which are contemplated by the legislature, is a thing that should be cultivated and improved.

Liberal construction that is due to the men of former times.

To us in the present state of political knowledge, it seems to be a barbarous rule, that no man or body of men, not being a part of the parliament, should be allowed to take notice of measures depending in parliament. But we should be upon our guard against judging men of other times, by notions which have since been gradually ripened into maxims. The characters of men, and the judgments they make respecting questions of right and wrong, depend upon the

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circumstances in which they are placed; and we must not condemn them for acts inseparably connected with those circumstances. The men who took the lead in the proceedings of the Long Parliament were men of profound judgment, of extensive information, of large and comprehensive modes of thinking, and many of them inspired with the most fervent and genuine love of liberty. It is far from following, because we perhaps in one point are more enlightened than they were, that we are better qualified than they were for politicians and statesmen. It is probable that, considering politics as a science, they were much beyond almost any body of men of the present age, in the knowledge of what will conduce to the happiness of men in a community, and advance them most in intellectual improvement, magnanimity, and virtue.

Superiority of the men of Charles's time to ourselves, in the most important branches of political knowledge.

One circumstance that deserves to be mentioned as indicative of the spirit of the ruling party in the house of commons towards the close of the year 1645, is the restoration of Nathaniel Fiennes and Henry Marten, two considerable leaders of the independents, to their seats in parliament. The former of these had retired to the continent, in consequence of the unfavourable issue of the court-martial by which he had been tried for the surrender of Bristol in 1643. His name first occurs as having resumed his seat in

Fiennes and Marten resume their seats in parliament.

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the house of commons on the twentieth of September [u]. Marten had been expelled for a premature declaration of republican sentiments in 1643: the vote of expulsion against him was rescinded 6 January 1646 [u].

Superiority of the independents.

It is the duty of the historian to glean up incidental points of information, that may throw light upon the real state of things in greater transactions. With this view it is proper not to overlook the following particulars recorded by Whitlocke in his Memorials. Under the dates of October, the fifteenth, and twentieth, he states, in one instance, "I lived with," in another, "I dined with, sir Henry Vane, Mr. solicitor [St. John], Mr. [Samuel] Browne, and other grandees of that party, and was kindly treated by them, as I used to be by the other." This illustrates to us the successive ascendancy of the different parties.

Bradshaw.

An individual who was rising into eminence at this time was John Bradshaw, the kinsman of Milton [w]. He was bred to the profession of the law, and his eloquence is praised by Lilburne [x].

[u] Journals.

[w] This relationship is asserted on the testimony of Christopher Milton, brother to the poet. Christopher, who was a judge under James the Second, was not likely to feel flattered with the alliance, and we may therefore be certain did not invent it. See further, Lives of Edward and John Philips, Nephews of Milton, p. 336.

[x] True Relation of Sufferings from Star-Chamber, p. 1.

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Milton, who seems to have known him thoroughly, speaks of him in the highest terms[y]; as at once a profound lawyer, and an admirable speaker; an uncorrupt patriot, a man of a firm and intrepid cast of temper, a pleasant companion, most hospitable to his friends, most generous to all who were in need, most placable to such as repented of their errors. He appears to have been in great practice as a pleader. In December 1644 he was appointed high sheriff of his native county of Lancashire[z]; and in the close of the present year he is mentioned with the eminent lawyers by Whitlocke[a].

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[y] Defensio Secunda pro Populo Anglicano.

[z] Journals of Commons, Dec. 27. of Lords, Dec. 3.

[a] Nov. 3, Dec. 1, 8.

CHAPTER XXIV.

DISPOSITION AND EXPECTATIONS OF THE KING.—HESITATION OF THE PARLIAMENT, OCCASIONED BY THE CONTENTS OF CHARLES'S CABINET.—CONTROVERSY BETWEEN THE SCOTS' COMMISSIONERS AND THE PARLIAMENT.—LETTER FROM THE PRINCE.—MODIFICATIONS OF THE UXBRIDGE PROPOSITIONS BY THE PARLIAMENT.—CHARLES'S OVERTURES FOR PEACE.—OFFERS TO TREAT IN PERSON AT LONDON.—THE OFFER REFUSED.

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Expectations of the king for another campaign.

THE battle of Naseby had no sooner been fought, than the minds of all men unavoidably turned to the question of peace. The issue of the war between the king and the parliament was complete; he could no longer bring a just army into the field; and all his hopes now rested upon resources to a certain degree foreign, the possible successes of Montrose in Scotland, the transportation of a fresh army, variously stated as six or as ten thousand Catholics, from Ireland [a], and the recruits, from the duke of Lorraine, and other

[a] See the following chapter.

quarters, which the queen was negociating on the continent [b].

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His view of the state of parties.

Add to these, the speculations in which the king indulged as to the state of parties at Westminster. He contemplated with transport the growing divisions among his adversaries. He was anxious to fight one of these parties against the other, till both should be destroyed. Sometimes he favoured the independents, sometimes the presbyterians. He comparatively liked the independents, because they did not aim at a church-establishment for themselves: their cherished theme was a full toleration and indulgence for tender consciences: they had more recently and deeply felt the proscription and persecuting spirit of the presbyterians, whom they had regarded as their brethren, and with whom they still fought under the same banners; and Charles believed that, with a little management, they might be brought to endure episcopacy, which the presbyterians abhorred. The king relied the more on the independents, because they seemed on the whole the weaker party, and because he apprehended there were among them able and ambitious men, who would be easily accessible to such rewards as he might promise them.

His expectations from the independents:

On the other hand, he did not forget the advantage that he believed might accrue to him

from the presbyterians.

[b] See Vol. I, p. 458, 459.

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from negociating with the presbyterians. In consequence of the new elections, of the battle of Naseby and the other advantages of the campaign being wholly ascribable to the independents, and of the contemptible appearance which the Scots had made during the present year, the presbyterians were for the time the baffled party; and it is of the nature of the contention of factions, that the one which comes off worst, will often coalesce rather with the common enemy against whom they had before united, than vail its pride to the immediate competitor.

Disposition of the king.

The rotten part of the cause of Charles was his rooted ill faith: professions and protestations cost him nothing: he held every thing fair that was done in negociating with an enemy: he never talked of peace, but with a crafty intention: he never made a concession, that he was not at the time considering how he should retract: till at length it came to that pass, that no party which might hereafter be placed at his mercy, would believe any thing he said.

Pacific suggestions.

Immediately after the battle of Naseby it was voted by the house of lords, that some course should be thought of to put an end to the present distractions, and settle a firm and well-grounded peace, by sending propositions to the king [c]. The next day a paper was presented to both houses

[c] Journals, June 20.

from the Scots' commissioners, recommending that the late victory should be improved for the speedy settling of religion and suppression of schism, for a vigorous prosecution of the war, and lastly, for reiterating the desires of the parliaments of both kingdoms, in the most convenient and effectual way, to effect a just and well-grounded peace [d].

Cabinet of letters taken at Naseby.

These beginnings however were to a certain degree checked and suspended by the production of the king's cabinet of letters, which was taken among the spoils of the battle of Naseby [e]. In the answer which was returned by the two houses to the Scots' commissioners, it was alleged, that it was necessary these letters should be fully examined and considered, previously to entering upon such steps as might appear proper for the restoration of peace [f]. The parliament was particularly shocked with the king's secret entry in the council-books, when he had been reluctantly induced to *call* the two houses at Westminster a parliament previously to the commencement of the treaty of Uxbridge, that he did not consider that as amounting to the same thing as *acknowledging* them for a parliament. They also animadverted on his attempt to bring in an army of foreigners under the duke of Lorraine, on his express promise to take away all penal laws

[d] Ibid. June 21. [e] Journals of Commons, June 23.

[f] Journals of Lords, June 30.

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against the Catholics of Ireland, and on the epithet of "mongrel parliament" which he had *bestowed even upon the assembly of his own adherents at Oxford* [g].

Resolutions of the two houses.

At length the two houses agreed upon certain resolutions, purporting to serve as the foundation of a safe and well-grounded peace. The tenour of these resolutions was principally, that to such propositions as should next be sent to the king a positive answer should be desired without any treaty, and that the concessions that should be required from him, should be tendered in the form of bills for his royal assent [h]. The Scots' commissioners objected to this mode of proceeding. They desired that the propositions, which had been already agreed to by the parliaments of both kingdoms, and which had been offered to the king in the negociation at Uxbridge in the beginning of the year, should be again sent without any additional matter: observing that, if other propositions were added, or if bills were to be passed with this view by the English parliament, these could not have the concurrence of the Scots' parliament which was not then sitting, and thus the harmony of the two kingdoms, which was so clearly shewn in the Uxbridge negociation, would be disturbed [i].

Objected to by the Scots' commissioners.

[g] Ibid. July 3.
[h] Journals, Aug. 6.
[i] Ibid. Aug 15.

It was evident on the whole that the progress that was likely to be made as to overtures to the king, would be slow: while in the mean time the affairs of the royal party were rapidly declining. Under these circumstances an extraordinary occurrence for a moment seized the attention of the inhabitants of London and Westminster. This was no other than a letter addressed by the prince of Wales, four days after the surrender of Bristol, to Fairfax, professing his anxiety for the restoration of a happy peace, and requesting the general to procure from the parliament a safe-conduct for sir Ralph Hopton and sir John Culpepper, that he might send them to the king his father with such overtures, as he sincerely hoped might conduce to that desired end [k].

Letter from the prince of Wales.

Fairfax immediately inclosed the prince's letter to the committee of both kingdoms in a dispatch of his own, in which he observed that he had thought it his duty, "not to hinder the hopeful blossom of our young peace-maker, if he might be so bold as to term him so, which might prove a flower in his title more glorious and sweet to us than that of any of his ancestors [l]."

Letter from Fairfax.

The prince's letter seemed at the instant to be favourably received. The lords voted the same day that it should be returned to the committee of both kingdoms with the recommendation of their

Reception of the prince's letter.

[k] Journals, Sep. 26.

[l] Ibid.

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house, and that they should be desired to take it into present consideration, and declare their sense of it to the two houses with all convenient speed. But the commons deferred coming to any vote upon it for three days, and afterwards gradually suffered it to die away in silence[m]. Upon reflection it was thought there was nothing important enough in this letter to induce parliament to act upon it, and that it was more suitable to the dignity of the legislature to proceed in the deliberations in which they were already engaged, as to the most eligible mode to be adopted for the restoration of general tranquillity.

Silence of Clarendon respecting it.

It is extraordinary that Clarendon, who was all this while in attendance on the prince, makes not the slightest reference to this letter. The most obvious way of accounting for his silence is, that as the step was productive of no consequences, the statesman-historian felt ashamed of it, and was desirous that it should be consigned to oblivion.

Proceedings in the house of commons.

The house of commons did not enter seriously into the debate respecting the propositions for peace, till the fourteenth of October: but from that day forward they sat in grand committee on this business two days in the week, with scarcely any interruption, till the twenty-fifth of November. The resolutions of the committee were then re-

[m] Ibid.

ported to the house in four following sittings, and adopted. They consisted for the most part of the first twenty-six out of the twenty-seven propositions which had been offered to the king in the treaty of Uxbridge.

Vote for the conferring of titles of peerage.

The most novel part of this proceeding occurred in the last of these sittings, on the first of December, when the house of commons voted, that the dignity of a duke of the kingdom of England should be conferred on the earls of Northumberland, Pembroke, Essex and Warwick, that the earls of Salisbury and Manchester should be created marquises, that lord viscount Say, and the barons Wharton, Willoughby and Roberts, with lord Fairfax of the kingdom of Scotland, should be made earls, that Denzil Hollis should be a viscount, and that the generals Waller, Fairfax and Cromwel, together with sir Henry Vane, be created barons of the realm [n].

Motives in which this vote originated enquired into.

It is not easy precisely to develop the design of this measure. The independents were clearly at this time the ruling party. Yet of the receivers of the proposed honours a great majority were presbyterians: there were only five, Say, Wharton, Fairfax, Cromwel and Vane, who were decidedly of the independent party. It was greatly doubted also whether the leaders in the house of

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commons were sincere at this time in voting the propositions of peace: they were certainly not very sanguine in their expectation that the king would comply with their proposals. They were building a house of cards. They were doubtless aware that circumstances must greatly change, before a solid and well-grounded peace could be established.

What then was their design? Was it to shew their liberality; that they would freely give to their opponents more than they would desire for themselves? Was it a trap for their adversaries; for we must not conceal from ourselves that there was a great deal of deep and indirect policy in the conduct of the present leaders? It is a known maxim in state-affairs, that, wherever you confer a favour on one individual, you ordinarily give birth to numerous malcontents. There were many of the nobility, and of the gentry of large estates, who would be greatly dissatisfied at having persons, lately their equals, now set over their heads. But why then did the independents place any of their own body in the list of promotions? To have done otherwise would have been too barefaced a procedure. Altogether, the vote of these creations may afford scope for many curious speculations. The men were either greatly ambitious, or exceedingly subtle, who brought forward this proposal.

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Its impropriety and unseasonableness.

One remark that deserves to be attended to is, that the men can scarcely be considered as politicians, who seriously voted for this multiplication of titles. To decorate themselves with ribbands and robes of state, was hardly worthy of the leaders who conducted the opposition to the despotism of Charles; and it must have had at the time, and has still, somewhat of a painful effect, that it should be made any part of the result of a civil war, that convulsed the whole kingdom, and had produced five pitched battles, that the sovereign should be called upon to declare four dukes, two marquises, five earls, four barons, and a viscount.

Vote of incomes and estates.

Another circumstance which renders the proceedings of this day peculiarly enigmatical, was that the house of commons was not less lavish under the head of pecuniary emolument and wealth, than they were of titles. They voted an estate in lands to the value of five thousand pounds *per annum* to the commander in chief, similar estates of half that value to Waller and Cromwel, two thousand *per annum* to sir Arthur Haselrig, two thousand to sir Philip Stapleton, fifteen hundred to sir William Brereton, and one thousand to general Skippon. To these votes a curious clause was annexed, that, except the vote to sir Thomas Fairfax, they should not be carried into act, till the public debts and engagements of the kingdom had first been satisfied.—In fact

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however the provision intended for Fairfax did not at this time take effect, while that in favour of Cromwel speedily after received the sanction of the two houses [o].

The bulk of the propositions had passed the house of lords by the end of December.

Variations between the present and the former propositions.

The most material variations introduced into the Uxbridge propositions in their present revised state, seem less to have related to the king, than to the state of parties among those who opposed him. They principally applied to the military power, or, as it was then called, the power of the militia.

in relation to the military powers of the kingdom.

Between the two great parties which divided the parliament of England, the independents had at this time the ascendant. The principal strong holds of the presbyterian party, were the city of London, and the sister-kingdom of Scotland. With the Scots the present leaders in the house of commons were almost at open war: the city and corporation of London they looked upon with a jealous eye, but with less unequivocal tokens of alienation. They wished to reduce the power of counteracting them in both these quarters.

At the time of the treaty of Uxbridge it had been settled, that the power of the militia of both kingdoms should be in thirty-six commissioners respectively, twelve of the commissioners for Eng-

[o] Journals, Feb. 7, 1646.

land being nominated by the Scots, and twelve of the commissioners for Scotland by the English parliament [p]. It was resolved at this time to put a stop to this intimate connection and interchange of authority between the two nations. The leading party in England could not now brook this reciprocal familiarity with their northern neighbours, and determined that each country should rather retain its own military power, independently of the other. With respect to the city, the twenty-seventh of the Uxbridge propositions had been framed in the first instance by the magistrates of London, and gave to the corporation the entire direction and control of the military of London and Westminster, with the suburbs and neighbouring villages. It was at length perceived that this was a dangerous authority, and might to a certain degree place the parliament itself in the power of the city. The proposition therefore which had been prepared by the corporation, was now a subject of anxious disquisition.

in relation to the militia of London.

The king at length was prevailed on to make certain overtures to the parliament. Clarendon says [q], "When a full prospect, upon the most mature deliberation, was taken of the hopes which might with any colour of reason be entertained, all that occurred appeared so gloomy and des-

Overtures of the king: Spirit in which they were made.

[p] Baillie, Vol. II, p. 190.

[q] Vol. II, p. 742, 743.

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perate, that it was thought fit to resort to an old expedient, which was a new overture for a treaty of peace: for, whoever thought the sending to the parliament for a peace would be to no purpose, was not yet able to tell what was like to prove to better purpose. This reflection alone prevailed with the king to refer entirely to the council to chuse any expedient they thought most probable to succeed, and to prepare any message they would advise his majesty to send."

The result then of such a state of things was this. The king was resolved not to yield to any terms, in which it was thought possible the parliament would concur. Indeed his conditions were, that the parliament should give up every thing, for which they had fought, and for which they had conquered. He would not even consent to accept hard terms, with the hope that, when he was once restored to the throne, he might improve them into better. He avowed his "obligation neither to forsake his friends, nor injure his successors[r]." He resolved "to continue his endeavours, not despairing that God would yet in due time avenge his own cause[r]." His favourite maxim was, that the adverse party could not settle the country without him, and that therefore it would never be too late to obtain the terms which were now proffered, and resume the throne under

[r] Journals of Lords, Oct. 30.

humiliating restrictions. The object therefore of all his overtures was merely, to put the other party in the wrong, and to prevail on their adherents to condemn and desert them.

The particulars.

Charles's first message to the parliament on this occasion, was of the date of the fifth of December. It was in the usual diplomatic style of religious and solemn protestation. It stated, that the king, "being still deeply sensible of the continuation of this bloody and unnatural war, could not think himself discharged of the duty he owed to God, or the affection and regard he entertained for the preservation of his people, without the constant application of his earnest endeavours [8]" for the restoration of peace. He therefore demanded a safe-conduct for the duke of Richmond, the earl of Southampton, Mr. Ashburnham, and Mr. Jeffery Palmer, to be the bearers of "such propositions as, he was confident, would be the foundation of a happy and well-grounded peace [8]."

Construction that was put upon them.

The parliament, as we have seen, were bent against all treaty and all negociators. They determined to proceed in no other way, than the sending propositions and bills to the king for his assent. They had had too much experience of Charles's ill faith, of his professing one thing, and meaning another. His intercepted letters had laid all this open to the face of day. They

[8] Ibid. Dec. 8.

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regarded such persons as came commissioned by him to take up an abode in their quarters, under whatever name they were sent, as agents to sow dissentions among them. They knew that the king's favourite policy was, to negociate with parties in the body of the parliament, and not frankly *with the whole. They therefore prepared* an answer to the king's message to this effect.

Proceedings respecting them.

Charles had addressed his letter to the speaker of the house of lords, to be by him communicated to the two houses of parliament, and to the commissioners for Scotland. Partly from this circumstance, and partly from the disfavour in which the Scots stood with the ruling party in England, a deviation now occurred from the practice which had been observed since the Scots' auxiliary army had crossed the Tweed. Instead of referring the king's letter to the consideration of the committee of both kingdoms, which for some time might have been termed the executive administration of public affairs in Great Britain, the house of commons appointed a committee, consisting of St. John, Pierrepoint, Samuel Browne, and sir William Armine to prepare an answer [t]. This answer was sent up to the house of lords, and received their approbation. It was then communicated to the Scots' commissioners for their assent.

[t] Journals of Commons, Dec. 9.

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The Scots declared themselves offended at this proceeding. They also observed, that if the question had been merely of sending to the king the Uxbridge propositions, which had been previously voted by the parliaments of both kingdoms, they might have consented to their being sent without a treaty: but, when the avowed intention was to send these propositions with alterations and additions, which alterations and additions were not yet even settled by the English parliament, they felt that they had no power to consent to this, without further instructions from their employers [u].

Animadversions of the Scots' commissioners.

These dissentions and delays afforded an advantage to Charles's counsellors, which they did not fail to improve. They dispatched in all haste a second message, dated December the fifteenth, in which the king announced his "extreme wonder, after so many expressions on their part of a deep and seeming sense of the miseries occasioned by the war, and their repeated protestations that their taking up arms had only been for the necessary defence of God's true religion, of the king's honour, safety and prosperity, and of the peace, comfort and security of his people, that they should delay sending the safe-conduct desired." The message concludes with "conjuring the parliament, as they will answer to Almighty God in

King's second message.

[u] Journals of Lords, Dec. 13.

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the day when he shall make inquisition for all the blood that had been spilt, as they tender the preservation and establishment of the true religion, by all the bonds of duty and allegiance to their sovereign, and compassion to their bleeding and unhappy country, that they would cooperate with the king in his endeavours to restore the blessing of peace [w]."

Answer of the two houses.

An answer was at length returned to the king's two messages, to which, by omitting for the present the question of whether or not the propositions should be followed by a treaty, and speaking only in vague terms of propositions under consideration, and afterwards to be communicated to the Scots' commissioners, they obtained the consent of those commissioners [x].

King offers to treat in person at London.

The king now, in concert with his council, took a very extraordinary step. On the day after the answer to his two letters had been dispatched, and before it reached his hands, he sent a third message. As the parliament appeared to decline the granting a safe-conduct to his commissioners, he proposed a personal treaty, himself coming to London with three hundred followers, under the assurance and security of the two houses of parliament, the commissioners for Scotland, the corporation of the metropolis, and the chief com-

[w] Journals of Lords, Dec. 17.

[x] Ibid. Dec. 23, 25.

manders of Fairfax's and Leven's army, for forty days; at the expiration of which he should be free to repair, at his own choice, to his garrison of Oxford, Worcester, or Newark. In the same message he repeated his proposition at Uxbridge, that the military power should be vested for three years in commissioners, to be nominated half by himself and half by the parliament, or in any other way that might be satisfactory to both parties. To render the point more intelligible, the king tendered in his message the names of thirty persons for commissioners, the earls of Northumberland, Essex, Pembroke, Salisbury, Manchester, Warwick, and Denbigh, lord viscount Say, Hollis, Pierrepoint, Vane, Wallop, Fairfax, Cromwel, and Skippon, with fifteen of his own adherents[y].

Reflections on this offer.

This message beyond question sufficiently expressed, that Charles regarded his own affairs as being in extremity. It would have been a singular spectacle, to have seen the king voluntarily resorting to the head-quarters of his enemies. It is not difficult however to understand with what views he proposed this step. He did not mean to yield to his adversaries. He firmly purposed not to exceed the concessions he had offered at Uxbridge. If he were not to alter, his end must have been to see whether he could shake his op-

[y] Journals of Lords, Dec. 29.

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ponents. The presence of the king under these circumstances, in the metropolis of the nation, could not have been without a powerful impression. "The king's name is a tower of strength:" his personal appearance would have been still more efficient. There is a superstition annexed to the very institution of monarchy. Man is essentially a feeble animal; dazzled and perplexed with the aspect of guards and state, and with the majestic and gracious demeanour which kings in general know how to put on[z]. The metropolis was torn and divided with intestine factions. Charles had endeavoured to treat with and cajole the presbyterians and independents by turns. Would neither of these parties be won by his inticements, and accept his aid to crush a rival they so mortally hated? It is impossible to conceive that some would not have given way. Let us suppose the expiration of the forty days approaching, as approach it must. What a sight would it have been, to have beheld the king assembling his little train of followers, and setting forth to retire into one of his garrisons, to hold out as best he could! We are not made of impene-

[z] Charles indeed was not a gracious king: but he was a king subdued and in misfortune: he had a composed and a specious air, which, if it was not winning, made him however appear to stand at a distance from, and on a higher ground than, all other men.

trable materials. Such a procession could not have passed without a groan: and that groan would to a certain degree have unfixed the understanding of the people of England, and weakened the immortal love of liberty which now glowed in such a multitude of bosoms. 1645.

But what Charles chiefly aimed at in this message—he scarcely expected that his proposal would be accepted—was that which has been already mentioned, to put the parliament in the wrong, and make them appear unfeeling and unreasonable.

1646. Answer of the two houses.

The answer of the two houses expressed that they declined the king's overture, and referred him to the propositions which would speedily be offered to him for his assent[a]. This answer however, like the former, was so long delayed by explanations with the Scots' commissioners, as to give the king time for a further message before its arrival. And, upon the plan of conduct he had adopted, it was necessary for him to exhibit an importunity, proportioned to what seemed backwardness of the parliament.

King's fourth message.

In this fresh message Charles proceeded to explain his views as to the church, which he recommended should be "settled, as it was in the happy and glorious reigns of Elizabeth and James, with full liberty for the ease of ten-

[a] Journals of Lords, Jan. 3, 13.

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der consciences, and the free use of the directory to such as desired it." He also suggested, that if the way he had proposed as to the military power were not satisfactory, he would endeavour in the personal treaty to dispose of that, as well as the business of Ireland, in the mode which should conduce most to general satisfaction; adding that he did not doubt, in the choice of the lord admiral, the officers of state, and others, to give good contentment to the two houses of parliament, if they, by their ready inclination to peace, should give him encouragement to do so [b].

King's fifth message.

But, when the answer of the parliament to his proposal of a personal treaty reached the king, he lost sight to a considerable degree of the temper and policy to which he had lately conformed himself. Yet even in his reply there is a diplomatic declamation and rounding of periods which betrays the hand of a minister. Here he retorts upon the parliament, that, if they had considered what they had done themselves, in occasioning the shedding of so much innocent blood by withdrawing from their duty to him, and in having violated the known laws of the kingdom to draw an exorbitant power to themselves, at a time when he had granted so much to his subjects, they would not have given so false a character of his

[b] Ibid. Jan. 16.

actions. He declaims against their resolution, that there should be propositions sent to him for his acceptance, but no treaty. He observes, that it is impossible to expect that such propositions should be the ground of a lasting peace, when the persons who send them will not endure to hear their own king speak. But, whatever be the success of his overtures, he adds, that he will neither want fatherly bowels to his subjects in general, nor forget that God has appointed him for their king with whom he treats [c].

[c] Ibid. Jan. 19.

CHAPTER XXV.

GLAMORGAN'S NEGOCIATIONS IN IRELAND.—CONDITIONS OF THE PEACE CONCLUDED BETWEEN HIM AND THE CATHOLICS.—HE IS ARRESTED FOR HIGH TREASON AT DUBLIN.—CHARLES'S CONDUCT WITH REGARD TO HIM.—DISAVOWS GLAMORGAN TO THE PARLIAMENT.

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1646. Glamorgan's negociations in Ireland.

A FEW days previous to that on which this intemperate and irritating message was received, an affair broke out, which set all hopes of a sincere adjustment between Charles and the parliament at a greater distance than ever. This was no other than the negociation of the earl of Glamorgan with the supreme council of the Catholics at Kilkenny in Ireland, which was brought to light in the following manner.

They are disclosed to the parliament.

The parliament, engrossed by the critical and arduous state of their affairs at home, had for a considerable time paid a very irregular and uncertain attention to the condition of the neighbour-island. By degrees it occupied more of their thoughts. Lord Inchiquin, who had been refused

by the king the office of president of Munster[a], placed himself under the protection of the parliament in 1644, and brought over with him to the same standard lord Broghil and several other considerable persons[b]. In reward of his services the parliament made him president of Munster in the beginning of the following year[c]. A few months later sir Charles Coote was appointed by the same authority president of Connaught[d]. The most considerable exploit of this new president was the reduction of Sligo in July: and, the Catholics having made a vain attempt to retake it in October, the body of the archbishop of Tuam, a member of the supreme council of Kilkenny, was found among the slain. Upon his person were a number of papers relating to the negociations of Glamorgan. These fell into the hands of the commissioners appointed by parliament to convey succours to the Protestants of Ulster; and through their means were now brought under the cognizance of that assembly[e].

Designs of Charles for the obtaining succours from Ireland.

It has already appeared that one of Charles's most cherished speculations, was that of propping up his falling cause by reinforcements from Ire-

[a] Carte, Life of Ormond, Vol. I, p. 510.

[b] Ibid. p. 513. Borlase, p. 146.

[c] Journals, Jan. 14, 1645.

[d] Journals of Commons, Apr. 29. of Lords, May 3.

[e] Journals, Jan. 16, 1646.

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land. The memorable consequences that flowed from the transportation of only eleven hundred auxiliaries from that country into Scotland, where they fought under the banners of Montrose, must have subsequently rendered this speculation still dearer to him. But there were many difficulties that attended the execution of this project. The Irish had resolved that they would send no more troops to fight the king's battles in Britain, till a peace had been concluded between them and the sovereign, and such a peace, as they thought the immense majority of Catholics in the country, and their actual possession of nearly the whole island, entitled them to expect[f]. On the other hand the prejudices entertained, even among Charles's adherents, against any considerable concessions to the Irish Catholics, were vehement. They knew what advantage would be taken of such concessions by the adherents of the parliament, to blazon the king's partiality to popery, and to spread the idea that their success, and the preservation of the Protestant religion, were inseparable. But, independently of this, a great majority of the English episcopalians entertained the most fervent horror of the Catholic religion. They remembered with detestation the temporal usurpations of the church of Rome; and queen Mary Tudor had rendered the most important

[f] Carte, Vol. I, p. 529, 540.

service to their cause, by the fires which had been lighted up during her reign to consume the reformed clergy in Smithfield. In consequence, the king's council in England peremptorily declined giving him any aid in his negociations with the Catholics in Ireland; and the matter was entirely placed under his discretion[g].

Policy adopted by him in the affair.

Charles amidst these embarrassments found himself reduced to the proceeding in the most concealed manner, in such negociations with the Irish as he could hope to render effectual. It happened, that the king by inclination never felt so much pleased with his own measures, as when he had two plans of proceeding on a given subject going on at the same time, the one ostensible, and the other real. The manner of doing this in the affair of Ireland easily presented itself. The ostensible negociations he left to Ormond, the lord lieutenant, a man of great loyalty, but who had too much regard to his own character willingly to engage in ambiguous and discreditable measures. His secret emissary was Glamorgan, eldest son of the marquis of Worcester, at whose seat of Ragland Castle Charles had spent several weeks subsequently to the battle of Naseby. Both the marquis and his son were among the most determined adherents of the Catholic faith; at the same time that they were strongly attached

[g] Ibid. p. 508.

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to the person of the sovereign. Both these circumstances strikingly pointed out the younger of these noblemen to his choice, towards whom the king had expressed a singular attachment for several years before [h].

Irish forces landed in Britain.

We have already brought down the history of affairs in Ireland, to the cessation of arms concluded between Charles and the Catholics in that country in September 1643, in consequence of which a considerable part of the Protestant army in Ireland, and several regiments of Catholics, were brought over to England to support the cause of the king against the parliament. This additional force proved of much smaller advantage to Charles, than he had anticipated. The Protestants who had fought against the insurgents in Ireland, were very unwilling to turn their arms against the friends of liberty and reform at home, and deserted in great numbers. The Catholic regiments were beaten and cut off, soon after their landing on our shores. The only considerable effect produced by the transportation of Irish into Great Britain, was operated by the small force which Antrim sent to aid in the designs of Montrose in Scotland.

1644. Glamorgan's first patent.

A most extraordinary patent which the king conferred on Glamorgan, and to which he affixed

[h] Birch, Enquiry concerning Glamorgan, 2nd edition, p. 350 to 353.

the great seal with his own hand, of the date of the first of April 1644, may be considered as bearing relation to the affairs of Ireland. By this patent he appointed Glamorgan to be generalissimo of three armies, English, Irish, and foreign, and admiral of a fleet at sea, with power to recommend his lieutenant-general, and to nominate all inferior officers. Charles by the same commission intrusted Glamorgan with blank patents under the great seal, of all titles of honour from a marquis to a baronet, to be disposed of at his own discretion; and concluded with promising him his daughter, the princess Elizabeth, in marriage to his son, with a portion of three hundred thousand pounds, and the title of duke of Somerset to himself and his heirs [i].

Ormond's negociations for peace in Ireland.

The commission which Charles granted to the marquis of Ormond to conclude a peace with the Irish Catholics, one condition of which was to be, that they should send over an army of ten thousand men to assist him in his war in Britain, bore date the twenty-sixth of July 1644 [k]. The conferences were commenced at Dublin in September, and continued for about a month, when they were adjourned till the beginning of the following year, to give time for obtaining further instructions from Charles and his council [l]. The progress

[i] Collins, Peerage, art. Duke of Beaufort.

[k] Carte, Vol. I, p. 516. [l] Ibid. p 520.

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made in these negociations was so small, as to afford little satisfaction either to the king, or the lord lieutenant; and Ormond represented to his master that he found himself particularly unfit for the office enjoined him, and intreated that some other person might be named, more proper to take on him the government[m]. This was however judged impracticable. Ormond had eminently the confidence of Charles's ostensible advisers: they knew how earnest the king was to obtain succours from the neighbouring island, and were apprehensive that for that purpose he might be induced to make such concessions as might materially injure him with all parties in Britain.

Glamorgan's second commission.

On the other hand Charles was deeply impressed with the importance of expedition in the present state of his affairs. From the specimen he had already had of Ormond's negociations, he saw how hopeless it was to look for a peace to be concluded in that quarter, in time for the urgency of his necessities. He therefore began to think more seriously than ever, of the advantage he might derive from the mediation of Glamorgan with the Irish Catholics. He wrote to Ormond in the December of that year, announcing that, Glamorgan having business of his own in the island, the king had engaged him to further the peace there in all possible ways, and recommend-

[m] Ibid.

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ing him to the confidence of the lord lieutenant [n]. Charles was so earnestly bent on this point, that, a few days after, he granted Glamorgan a commission under the great seal to levy forces in Ireland, and other parts beyond sea, to command them, and to appoint officers over them, and commanders in forts and towns [o]. This was followed on the twelfth of January with a more ample authority under the king's private signet, declaring that such was the reliance Charles reposed in him, that whatever he should perform, the king promised in the word of a sovereign and a Christian to make good, and, though it should exceed what law could warrant, or any powers of the king could reach, to maintain it with all his influence and might [p].

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His third commission.

Glamorgan appears to have been prevented by various accidents from accomplishing his journey so soon as either he or his master desired. This gave time for the king to execute another warrant in March, better adapted to be produced as a credential in any negociations in which the bearer might be engaged. This warrant authorised Glamorgan to treat and conclude with the confederate Catholics in Ireland, if upon necessity any terms were to be condescended to in which

[n] Carte, Vol. II, Appendix, No. 13.
[o] Birch, p. 18. Carte, Vol. I, p. 557.
[p] Birch, p. 18. Carte, p. 554.

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the lord lieutenant could not so well be seen, as not fit for the king at present publicly to own: he was therefore enjoined to proceed in the business with all possible secrecy [q].

His arrival.

The envoy, thus provided, left Oxford for Wales in the month of March, and immediately embarked in a small vessel for Ireland: but he was nearly captured in his passage by a ship of the parliament, and was forced to take refuge in a port in Cumberland [r]. Before he sailed, he sent a written message to the king, promising that he would return with six thousand Irish by the end of May or the beginning of June [s]. But in this he was greatly disappointed. He did not procure a passage for Ireland till July. He then landed in Dublin, where he was present at a further ineffectual meeting between Ormond and the Irish delegates; and immediately proceeded to the seat of the Catholic government at Kilkenny [t].

Glamorgan's treaty.

If Glamorgan was tardy in arriving at the place of his destination, there were however few difficulties that arose between him and the supreme council at Kilkenny, and their treaty was signed on the twenty-fifth of August. This treaty purported to be supplementary to the peace, which was expected to be concluded immediately after with the lord lieutenant, and to contain such

[q] Rushworth, Vol. VI, p. 243. Birch, p. 20.
[r] Carte, p. 550. [s] Birch, p. 56. [t] Ibid. p. 61, 64.

articles as it appeared impracticable to include in the public pacification. In it Glamorgan conceded all those points which had constantly been refused by Ormond and the king's English council, as particularly a repeal of all the penal laws against the Catholics, and a permission for them to use and enjoy all the churches which had been in their possession at any time since the commencement of the Irish rebellion. In return the supreme council engaged to furnish ten thousand men to serve the king, to be marched to any port in Ireland, and at any time Glamorgan should appoint, to be placed under his command, and by him transported to Great Britain at his pleasure [u].

Interference of the pope's nuncio.

Still many delays, not now easily to be accounted for, intervened to prevent the object the king had most at heart, the landing an army of Irish Catholics to support his falling cause in Britain. The supreme council viewed with jealousy the separation between the religious and the political articles, and the secrecy that was enjoined to be observed as to the former. The conferences with the lord lieutenant at Dublin, preparatory to the public pacification, were renewed, but were broken off in November without proceeding to any satisfactory conclusion [w]. At the same time a nuncio from the pope arrived at Kilkenny; and this minister exerted himself to

[u] Rushworth, Vol. VI, p. 243.

[w] Carte, p. 549.

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prevent any aid from being given to the king without further concessions [x]. On the twentieth of December he prevailed on Glamorgan to sign a writing, by which he undertook, that in case the ten thousand men were landed in England, the king should engage never to employ any but a Catholic lord lieutenant, to allow their bishops to sit in parliament, and universities to be erected under regulations of their own, and that the supreme council at Kilkenny should continue in authority till Glamorgan's private articles had been ratified [y]. At the same time it was understood that three thousand troops were ready to embark immediately for the relief of Chester [z].

Arrival of lord Digby.

It was precisely at this time that lord Digby, one of the king's secretaries of state, who had retired from Newark to avoid a personal explanation with prince Rupert, and, being defeated at Sherborne in Yorkshire, had proceeded from thence to Dumfries, and afterwards to the isle of Man, landed in Dublin [a]. Shortly after his arrival [b], the same documents fell into his hands which had been found on the person of the archbishop of Tuam, and which had just been transmitted to the English parliament. These papers excited in Digby the greatest degree of alarm and jealousy. He found by them, that while the

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[x] Ibid. p. 561. [y] Ibid. p. 562. [z] Ibid. p. 552.
[a] See above, Vol. I, p. 493. [b] Dec. 22. Carte, Vol. I, p. 552.

English council of Charles, of which he had been a principal member, had been pursuing one set of measures as to Ireland, the king, without the participation of his council, had been occupied in measures of a very different nature. He viewed Glamorgan's treaty as directly calculated to unite all parties of Protestants in condemnation of Charles's proceedings. He consulted with Ormond on the subject; and both these noblemen found themselves grievously offended at a transaction, by which their authority had been set at nought, and themselves treated as little better than ciphers. Finally, they resolved to vindicate the king in his official capacity, against the king in his personal and clandestine proceedings.

He accuses Glamorgan.

Previously to the discovery of Glamorgan's negociations, Digby had invited that nobleman to come to Dublin, to give some explanations respecting the three thousand men who were said to be ready to embark for the relief of Chester. He arrived on the twenty-fourth of December, and on the twenty-sixth Digby made a motion in the privy-council that he should be taken into custody, on suspicion of high treason. This done, the secretary produced the copy of Glamorgan's treaty, and other documents, and observed that the authority upon which the person he accused had proceeded, must have been forged or surreptitiously gained; as most confident he was, that the king would not, to redeem his crown, his own

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1645. life, and the lives of his queen and his children, have granted to the confederates the least particle of concessions so destructive both to his regality and religion [c].

Glamorgan imprisoned. In consequence of these proceedings Glamorgan was committed a close prisoner in the castle for four days; after which he was freed from his strict confinement, but still continued restrained

1646. to the house where he was kept in the castle. In three weeks more he was released upon security, from himself, the earl of Clanricard, and the earl of Kildare [d].

Dissatisfaction of the supreme council of the Catholics. This proceeding of Digby proved fatal to the prospect of any succours that Charles might have expected from Ireland, to support him in his war against the English parliament. Already the articles which had been yielded by Glamorgan, had been unsatisfactory to a party in the supreme council; and the nuncio contributed to increase the discontent. But, when the news of the accusation and imprisonment of Glamorgan reached Kilkenny, the opposition grew into a flame. It was moved, that the confederates should immediately take the field, and form the siege of Dublin, for the purpose of compelling the deliverance of their faithful ally. The nuncio observed that a proper opportunity was now afforded, for the Catholics to make themselves masters of the me-

[c] Carte, Vol. III. No. 418. [d] Ibid. Vol I, p. 562.

tropolis. A general assembly of deputies was called at Kilkenny, to deliberate on this new aspect of affairs. At length the consternation was somewhat appeased by the appearance of Glamorgan in the midst of the deputies [c].

Demeanour of the king.

But the most memorable circumstances that grew out of these events, belong to the position in which Charles was placed by them. He had proceeded in one fashion secretly by the commission and instructions he had given to Glamorgan, and in another in concert with the persons who formed his council at Oxford. When therefore the communications of Ormond and Digby respecting Glamorgan's imprisonment came before him in his public capacity, he found himself obliged to reply in the following style.

His dispatches to Ormond and Digby.

"Right trusty and well-beloved cousin and counsellors, we greet you well. We have seen and considered your dispatch concerning the earl of Glamorgan's accusation, and your proceedings thereupon. And, as we could not but receive the one with extraordinary amazement, that any man's folly and presumption should carry him to such a degree of abusing our trust, how little soever; so we could not but be very sensible of the great affection and zeal to our service, which you have expressed by putting our honour (so highly traduced) into a speedy and effectual way of vindi-

[c] Carte, p. 62. Birch, p. 134 to 139.

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cation, by proceeding against the said earl. And, although we are so well assured of your and the rest of our council's entire confidence in the justice and piety of our resolution in what concerns the maintenance of the true Protestant religion, —yet, to the end that your zeal may be the better instructed in that particular, we have thought fit to let you know the whole truth of what has passed from us unto the earl of Glamorgan, whereby he might in any wise pretend to the least kind of trust or authority from us, in what concerned the treaty of that kingdom. The truth is, that the pressing condition of our affairs obliging us to procure a peace, if it might be had upon any terms safe to our honour and conscience, and to our Protestant subjects there; and finding also, that the said peace could not be gained but by some such indulgence, as although justly and duly we might grant, yet haply in a public transaction could not be without some scandal to some of our good subjects; we thought fit, over and above our public power and directions to you, our lieutenant, to give you private instructions and power, to assure the said Roman Catholics in a less public way, of the said exemptions from penalties, and some other graces. With the knowledge of these secret instructions to you we thought fit to acquaint the earl of Glamorgan at his going to Ireland, being confident of his hearty affections to our service: and withal,

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knowing his interest with the Roman Catholic party to be very considerable, we thought it not unlikely that you might make good use of him, by employing that interest to persuade them to a moderation. To this end (and with the strictest limitations that we could enjoin him merely to those particulars, and even in that to do nothing but by your special directions), it is possible we might have thought fit to give unto the said earl of Glamorgan such a credential, as might give him credit with the Roman Catholics, in case you should find occasion to make use of him. This is all, and the very bottom of what we might possibly have intrusted unto the said earl of Glamorgan in this affair; which, as things stood, might have been very useful in accelerating the peace; as well as for hastening those necessary aids which we were to expect from thence, had we had the luck to employ a wiser man[f]."

His private letter to Ormond.

This letter from the king in council was accompanied with a private letter to Ormond, in which Charles assures him, "upon the word of a Christian, that he never intended that Glamorgan should treat any thing without his approbation, much less without his knowledge: since, beside the injury to Ormond, he was always diffident of Glamorgan's judgment, though he could not have thought him so extremely weak as now to his cost

[f] Carte, Vol. III, No. 425.

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he had found." The letter concludes, "Albeit I have too just cause, for the clearing of my honour, to command you, as I have done, to prosecute Glamorgan in a legal way, yet I will have you suspend the execution of any sentence against him till I am fully informed of all the proceedings, as *I believe it was his misguided zeal*, more than any malice, which brought this great misfortune on him and on us all[g]."

His letter to Glamorgan.

Two or three days later, the king addressed a letter to Glamorgan himself, which was to pass through the hands of Ormond and Digby, and the expressions of which were measured accordingly so as to fit it for their inspection. In this Charles observed, that he "must clearly tell Glamorgan, that both of them had been abused in this business, since Glamorgan had been drawn to consent to conditions much beyond his instructions, and since his treaty had been divulged to all the world.—If you had advised with my lord lieutenant (as you promised me), all this might have been helped. But we must look forward. Wherefore in a word I have commanded as much favour to be shewn to you, as may possibly stand with my service or safety. And, if you will yet trust my advice (which I have commanded Digby to give you freely), I will bring you so off, that you may be still useful to me, and I shall be able

[g] Ibid. Vol. II. Appendix, No. 23.

to recompense you for your affection: if not, I cannot tell what to say. But I will not doubt your compliance in this; since it so highly concerns the good of all my crowns, as well as my own particular, and to make me have still means to shew myself your assured friend [h]."

His confidential letter.

But it is in a very different style that Charles talks to Glamorgan, in a letter written a few weeks later, when the king knew he was at liberty, and when the letter was intrusted to sir John Winter, cousin-german to Glamorgan, and a Catholic. He refers him to the bearer for satisfaction, why he had not done in every thing as Glamorgan desired; "want of confidence being so far from being the cause, that I am every day more confirmed in the trust that I have of you, it not being in the power of any to make you suffer in my opinion by ill offices [i]."

His second confidential letter.

This was in February. In April the king writes to him: "As I doubt not but you have too much courage to be dismayed at the usage you have had, so I assure you my estimation of you is nothing diminished by it, but that it rather begets in me a desire of revenge and reparation to us both [k]."

His third confidentia letter.

In the following July we have another letter from Charles to Glamorgan, in which he observes, that he had always loved the person and conver-

[h] Birch, p. 356. [i] Ibid. p. 359. [k] Ibid. p. 361.

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sation of this nobleman, and at present wished for them more ardently than ever. He expresses an earnest hope that he may once come into the hands of him and the nuncio, "since all the rest, as I see, despise me. And, if I do not say this *from my heart, may God never restore me to my* kingdoms in this world, nor give me eternal happiness in the next, to which I trust this tribulation will conduct me, after I have satisfied my obligations to my friends, to none of whom am I so much obliged as to yourself, whose merits towards me exceed all expression [l]."

Reflection.

It was necessary to insert these letters somewhat at length, both as tending eminently to develop the character and habits of the writer, and as reflecting a strong and instructive light on the nature of the kingly functions and office [m].

King's message to the two houses of parliament on the subject.

Charles had no sooner received intelligence from Ormond and Digby of their proceedings against Glamorgan, than he addressed an explanation on the subject to the two houses of parliament. In this message the king declared Glamorgan's treaty to be highly derogatory to his honour and dignity, and most prejudicial to the Protestant religion and church. He went on to state "the whole truth of the business:" that Glamorgan, having offered to raise forces in Ire-

[l] Birch, p. 244.

[m] Compare this with Clarendon's letter, quoted in Vol. I, p. 220.

land, had a commission for that purpose, and for that purpose only; that he had no commission to treat of any thing else without the privity and direction of the lord lieutenant, much less to capitulate any thing concerning religion, or property either lay or ecclesiastical: the king further protested, that until he was informed of Glamorgan's arrest, he had heard nothing of any treaty entered into by him, much less of articles so repugnant to his own professions and known resolutions. Finally, Charles declared his absolute disavowal of Glamorgan's transactions, and that he had given commandment to the lord lieutenant to proceed against him, as one who, either out of falseness, presumption, or folly, had hazarded the blemishing his master's reputation, and impertinently framed those articles of his own head, without the consent, privity or directions of the king, the lord lieutenant, or the Irish council. Charles added, that it was however true, that for the preservation of the Irish Protestants, he had given commission to the lord lieutenant to conclude such a peace there as might best conduce to the safety of that crown, and the preservation of the Protestant religion, and most accord with his own honour and his public professions. But he expressed himself willing, if his personal repair to London were admitted of, to dispatch a messenger immediately to Ireland, to notify his resolution of leaving the business of that country wholly to

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parliament, and of making no peace there but with their consent.

1646. His further concessions.

In this message the king further proffered his consent, that the persons to be intrusted with the militia should be wholly nominated by the two houses, their power to continue for seven years as had been desired, and then to revert and remain as in former times. The king also admitted for the present occasion, that the parliament should nominate the lord high admiral, the officers of state, and the judges, to hold their places during life, or *quamdiu se bene gesserint*. He also offered that, upon the conclusion of peace, there should be a general act of oblivion and free pardon to be passed by the parliaments of both kingdoms respectively[n].

Construction belonging to them.

These conditions certainly went beyond his concessions at Uxbridge, and might have been made the foundation of a treaty, if the king had been to be trusted in any species of negociation. But it was too well known in former instances, and was too fully proved in this recent business of Glamorgan, that his professions were only intended to deceive. He never sincerely purposed any compromise, any sacrifice of "the honours of his crown, or the rights of his successors." He delighted in intricate and indirect proceedings; and every one who duly weighs the subject, will

[n] Journals of Lords, Jan. 31.

perceive how thoroughly the parliament was in the right who would admit of nothing but propositions to be offered to him, for his acceptance or rejection.

Proceedings of the two houses respecting them.

To meet however the king's importunity respecting coming to London, the parliament resolved to separate certain propositions from the rest, to be presently sent to him for his acceptance [o]. And it appears to have been understood, though it is no where expressed in the votes, that, if he assented to these, he was to be invited to repair to the metropolis for completing the treaty [p]. Owing however to the rapid succession of events, this overture was never made.

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[o] Journals of Commons, Jan. 26, 27, 30. of Lords, Feb. 2.

[p] Baillie, Vol. II, p. 176, 190.

CHAPTER XXVI.

CHESTER SURRENDERED.—DEFEAT OF HOPTON AND ASTLEY.—SLOW PROGRESS OF THE PARLIAMENTARY PROPOSITIONS FOR PEACE.—FRESH MESSAGE FROM THE KING.—PRECAUTIONS OF THE PARLIAMENT.

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1646. Chester surrendered.

EARLY in February Chester was surrendered to the parliament. This was an important event, as Chester was the special point at which forces could most advantageously be landed from Ireland for the support of Charles's designs [a].

March and countermarch of Hopton.

The remains of the royal army in the west continued under the command of Hopton: but, as discipline had long been at a low ebb among them, so the apparent desperateness of their cause rendered it almost impossible to prevail on them to face the enemy. Their commander however led them from Cornwal as far east as Torrington, where they were in a manner intrenched, and in security from attack. Fairfax in the mean while came up with them in the middle of February; and, by the gallantry of his own troops, and the

[a] Rushworth, Vol. VI, p. 136, *et seqq.*

heartlessness of the royalists, speedily drove them to flight, and immediately followed them into Cornwal [b].

Prince of Wales quits England.

Here every thing was in the most hopeless state; and the condition of the prince of Wales, who was nominally the generalissimo, became exceedingly precarious. He had wintered in Cornwal, having in the course of the season made one or two excursions into the nearer part of Devon; but, at the time of the retreat of Hopton, and the advance of Fairfax into the extreme county, he happened to be at Pendennis; from whence it was judged proper that he should take to sea: and he accordingly landed in Scilly on the fourth of March [c].

Hopton's army dissolved.

Hopton was left with his small and disobedient army, to make an end of his embarrassments as he could. His soldiers, and even his officers, engaged in familiar intercourse with the followers of Fairfax, but could by no means be induced to contend with them in fight. Fairfax saw the situation of the enemy, and opened an intercourse with Hopton in that generous and beautiful tone which peculiarly distinguished this accomplished commander. He offered liberal terms to all the members of his army, upon condition of their no further serving against the parliament. "Lastly,"

Beautiful letter of Fairfax to the commander.

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[b] Rushworth, p. 99. Clarendon, p. 730.

[c] Clarendon, p. 733.

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he proceeded, "for yourself, you may be assured of such mediation to the parliament on your behalf both from myself and others, as may become us towards one, whom, for personal worth, and many virtues, but especially for your care of and moderation towards the country, we honour and esteem above any of your party; whose error, supposing you more swayed with principles of honour and conscience than others, we most pity; and whose happiness, so far as is consistent with the public welfare, we should delight in, more than in your least suffering[d]." On the fourteenth of March, Hopton's forces were disbanded, and their commander embarked to join the prince of Wales in Scilly.

Astley entirely defeated.

One closing attempt was made, to enable the king again to take the field. Sir Jacob Astley was detached from the garrison of Worcester, with three thousand men, the greater part cavalry, to favour the purpose of Charles to quit the walls of Oxford, and appear against the enemy. It was the king's design by rapid marches, and declining the fortune of an engagement, to augment his number with recruits, and wait the promised reinforcements from Ireland or from the continent. Mean while his hopes were nipped in the bud. The royalists from Oxford advanced with fifteen hundred men to favour the junction. But all in-

[d] Rushworth, Vol. VI, p. 105.

telligence was so intercepted between the parties, that a body of forces collected from the neighbouring garrisons fell upon Astley's detachment, before he could obtain the smallest information concerning his friends. The resistance was spirited; but the victory on the side of the parliament was complete. The engagement took place on the twenty-first of March, at Stow on the Wold in the county of Gloucester. Astley himself, sir Charles Lucas, his second in command, and sixteen hundred men were made prisoners. Astley, a rough soldier, but a firm adherent to his king, addressed his captors in these words: "You have done your work, my masters, and may now go play; unless it is your pleasure to fall out among yourselves [e]."

Invitation from the parliament to the prince of Wales.

It was no sooner known that the prince of Wales was departed for Scilly, than the two houses of parliament, apprehensive that he might pass from thence into France, and be there nurtured in the principles of the Roman Catholic faith, voted that an invitation should be sent to him, to desire him to come into the parliament's quarters, and to reside in such place, with such council and attendants about him, as the two houses should think fit to appoint [f].

Slow pro-

The select propositions, intended with all prac-

[e] Ibid. p. 140. Clarendon, p. 753. Whitlocke, Mar. 23.

[f] Journals, Mar. 17, 18.

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ticable dispatch to be offered to the king, passed the house of commons on the second of February; and, both houses having agreed respecting them, they were on the second of March communicated to the Scots' commissioners for their sanction [g]. This part of the proceeding however encountered many difficulties. At the end of fourteen days the propositions were returned by the commissioners, accompanied with a long paper of remarks [h]; and, these remarks again being taken into consideration by a committee of the house of commons, it was not till the twenty-sixth that a deputation was appointed from both houses, to confer with the Scots' commissioners on the subject [i].

Progress of the parliamentary propositions for peace.

On the twenty-third the king sent to the parliament a proposal, that, if he might have the faith of the two houses for the preservation of his honour, person and estate, and that his followers should have liberty to repair to their respective places of residence, enjoying their own estates, and not being compelled to take any oaths but such as were enjoined by the known laws of the kingdom, he would in that case disband his forces, dismantle his garrisons, and return to his two houses of parliament to reside with them; at the same time recommending to them that an act should be im-

Overture from the king.

[g] Journals. [h] Journals of Lords, Mar. 18.
[i] Journals.

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mediately passed, of oblivion and free pardon for all foregone offences [k].

Remarks on this overture.

It is difficult to understand all the bearings of this message. On the one hand it may be said, that Charles well knew that his proposal would not be accepted. His presence in London, unless terms of mutual concord were previously settled, and the king had already bound himself to the new system for the church, and the limitations that were to be placed on the prerogative, was considered as dangerous. The conditions also that he tacked on for his followers, were of an alarming nature, and he was well aware were in the utmost hostility with the feelings and sentiments of the triumphant party. In fact, where there have been long contention and open violence between two parties in a state, it is not in the nature of man, however desirable it may appear in theory, that a reconciliation upon equal terms should immediately take place. The more there shall be of humanity and clemency in the successful party towards the unsuccessful, the better: but the only chance for substantial and permanent tranquillity will consist, in the successful party exercising a firm, however moderate rule; while the unsuccessful must lay its account in being disarmed, and paying the penalty, in however mild a form, of the resistance they had thought

[k] Journals of Lords, Mar. 24.

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proper, as long as they were able, to make to the men, to whose prowess or fortune they were finally compelled to submit. The king therefore may be considered as only intending, by so vast an apparent concession, to subject the continued firmness of the parliament to a further degree of obloquy.

Danger that would attend the king's coming to London without a treaty.

But let us imagine that he was driven to so desperate a situation, as really to desire that these terms might be accepted. We are quite sure he intended to depart from none of his claims. His aim therefore was to change a war of the sword, for a war of intrigue. He believed, as prince Rupert is reported to have said of him, that, if he came to London, before he had been there three hours, he would have had three thousand and three thousand, and three thousand men at his devotion, and would without difficulty have become master of the parliament[1]. The leaders of the war against him were not disposed to try the experiment: they believed that his coming to the capital abruptly, and without having first subscribed to certain preliminaries, could lead to no good. Confusion, and tumult, and blood shed within the streets of the metropolis, even if the party of liberty were triumphant, would have been matters deeply to be regretted, and were exceedingly foreign to the views and purposes of the leaders of

[1] Journals of Lords, Jan. 7.

the parliament. On the other hand, it was a favourite notion with Charles, that he "bore a charmed life," and that, unless in the way of assassination, his person would never be assailed.

Vote of the lords on the subject.

The house of lords however at first viewed the king's message in a different light from that in which it appeared to the commons, and voted their sentiments, that there were divers particulars in this letter, whereof a happy use might be made for the purpose of advancing the peace of the three kingdoms [m].

Precautions of the parliament.

In the mean time the rumour spread, as in a former instance, that, without waiting for the sanction of the parliament, the king, with his personal attendants merely, and without shew of violence, would enter the lines of defence of the city of London, and throw himself upon the loyalty and good faith of his subjects [n]. Already a considerable number of royalists from different quarters had entered the city [o]; a natural consequence of the disbanding of armies and dispersion of garrisons that had taken place: and parliament thought it necessary to take precautions on the subject. On the last day of March, they came to a resolution, that, in case the king, contrary to the advice of the two houses already given him, should come or attempt to come within the lines,

[m] Journals, Mar. 24.
[n] Journals of Lords, Jan. 7, 24.
[o] Journals, Mar. 26.

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due measures should be taken to prevent any tumults that might arise by his coming, to apprehend and secure such as should come with him, to prevent resort to him, and to secure his person [p]. To this resolution the lords added as an amendment, "to secure his person from danger," which was acceded to by the commons [p]. It was subsequently decided, that, if the king made his appearance in this manner, he should be immediately conducted to St. James's, with a guard to secure his person from danger, and to prevent resort to him [q]. At the same time a message was dispatched, advising him that, until satisfaction and security were given to both kingdoms, his coming could not be productive of good, nor could be admitted, and that his assent to the propositions which would speedily be sent to him, would be the effectual means of affording the satisfaction and security desired [r].

Letter of the king to lord Digby.

The views with which the king entered into the affair, are fully explained in a letter written by him to Digby on the twenty-sixth of March, in the very midst of the transaction. "Now, for my own particular resolution," says he, "I am endeavouring to get to London, so that the conditions may be such as a gentleman may own, and that the rebels may acknowledge me king, being not without hope, that I shall be able so to draw

[p] Journals. [q] Journals of Commons, Apr. 3.
[r] Journals of Lords, Apr. 1.

either the presbyterians or independents to side with me for extirpating one the other, that I shall be really king again. I will conclude with this assurance, that, whatsoever becomes of me, by the grace of God I will never forsake the church, my friends, nor my crown[s]."

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[s] Carte, Vol. III, No. 433.

CHAPTER XXVII.

PRECARIOUSNESS OF THE KING'S SITUATION.—HE NEGOCIATES WITH BOTH PARTIES.—BECOMES DESIROUS OF JOINING THE SCOTTISH ARMY.—MONTREVILLE.—INFLEXIBILITY OF CHARLES.—PREPARATIONS FOR HIS RETREAT TO THE SCOTS.—ESCAPES OUT OF OXFORD.—IRRESOLUTENESS OF HIS PURPOSES.—DIRECTION OF HIS JOURNEY.—ARRIVES IN THE QUARTERS OF THE SCOTS.

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1646. Precariousness of the king's situation.

It was daily growing more and more beyond question that the king could not remain much longer in safety at Oxford, or in any of the garrisons that had hitherto held out for him against the parliament. Thus circumstanced, the most obvious alternative that presented itself, was that he should either throw himself upon the metropolis, and trust to the terms he could make with the independents, either from generosity on their part, or from the awe in which they were held by the presbyterians, a party in many respects more formidable than their own,—or, that, escaping from Oxford, he should endeavour to make his way secretly through the heart of the kingdom,

one hundred miles, to the Scots' army, which was at this time besieging Newark.

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Charles was engaged in tendering his overtures to both these parties. Mr. John Ashburnham by his direction addressed himself by letter to sir Henry Vane[a]; but it does not appear that any progress was made in this attempt. As the professed object of the independents was only liberty of conscience, and as their aversion was at least as great to presbyterian, as to episcopal tyranny, the king felt himself strongly inclined to join his forces to theirs, and, with the least encouragement on their part, would have repaired to London, and tried his fortune in the head-quarters of his adversaries. But they entertained a greater repugnance to him than the presbyterians did, and had a worse opinion of his integrity and good faith.

He negociates with both parties.

Inclines to the independents.

At length therefore he began to look with more partiality to the other party, and to imagine that he should find on that side a wider field for the subtlety and intrigue to which he was addicted. He entertained indeed the utmost antipathy to the presbyterian discipline, and recollected that it was this party that first excited against him the hostility in both kingdoms to which he had now fallen a victim. But kings are accustomed to regard their subjects as so much beneath them, that, for

Turns towards the other party.

[a] Clarendon, State Papers, Vol. II, p, 226, 227.

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that reason especially, they are sometimes found mutable in their resentments, considering other men rather as tools to be employed, than as beings whose feelings and impulses are entitled to their attention. The Scots had experienced several bitter affronts from the parliament, in which the independent interest at this time predominated; and their love of the presbyterian system, which they regarded as one and the same thing with our common Christianity, and which they held to be in great danger from the latitudinarianism of the independents, still further inflamed their resentments. Charles regarded this temper in them as a fit material to work upon: Montrose, though baffled and disgraced, was still in arms in the northern kingdom: and the king deemed it by no means impossible to reconcile and unite the Scottish royalists and presbyterians, which, if effected, might yet lead to the restoration of his full and undiminished prerogatives.

Becomes desirous of joining the Scottish army.

Negociations of the queen with the Scots.

Strong reports were circulated in the autumn of 1645, of negociations going on between the king and the leaders of the Scottish army. Shortly after, it is certain that an emissary was sent from Scotland to the queen at Paris, to ascertain the practicability of an adjustment in that quarter [b]. The conclusion most earnestly desired

[b] Clarendon, Vol. II, p. 751. Clarendon, State Papers, Vol. II, p. 210.

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by the Scots, was that Charles should give his unfeigned assent to the establishment of the presbyterian form of church-government. This they required as a preliminary; and the queen applied all the vast influence she had hitherto exercised over her husband, to prevail on him to gratify them in that particular [c].

Montreville sent by the court of France into England.

Louis the Thirteenth, and his minister Richelieu, had lately died [d]; and the queen of England found somewhat more consideration in the new court, than had been granted her under the former reign, where the principal minister had been actuated by a certain degree of personal hostility against Charles. She therefore obtained that an envoy, Montreville, should now be sent from the French government, who under her direction should endeavour to place the disastrous affairs of her husband on a more advantageous footing. His instructions were to bring about the best practicable understanding between Charles and the Scottish forces before Newark, preparatory to the king's yielding himself to their protection [e].

His negociations.

Montreville arrived in London early in January [f]. He appears to have had several interviews with the Scots' commissioners there; and, being satisfied that they would not recede from

[c] Ibid.

[d] Richelieu died 4 Dec. 1642, and Louis 14 May 1643.

[e] Clarendon, Vol. II, p. 750. [f] Ibid.

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their demands in the point of church-government, he employed all his efforts to persuade the king to yield in that article [g]. Having remained in London several weeks, partly detained by the delay of his passport, he proceeded in the latter end of March to wait on the king at Oxford [h], and early in April repaired to the Scots' army before Newark [i]. Here he found the dispositions of men less favourable than he expected, and complained that the language of Leven and the officers of the army fell short, even of that which had been held by the commissioners in London [i].

Charles's notions respecting concession and integrity.

The disposition of Charles upon the question of integrity and concession forms a subject of curious speculation. It was not easy to go beyond him in hypocrisy. We have seen the elaborate duplicity of his conduct in the affair of Glamorgan; and it was a part of his established system of conduct, to speculate upon the flaws that might lurk in his concessions, by means of which they might hereafter be shewn to bear a very different sense from that which appeared upon the surface, and be explained to be no way binding in conscience upon him who made them. But all this he regarded as fully consistent with the most inflexible constancy and resistance in other particulars. As to the way in which he conducted

His ideas of state-policy.

[g] Clarendon, State Papers, Vol. II, p. 209, *et seqq.*

[h] Ibid. p. 219. [i] Ibid. p. 221.

himself in the matter of Glamorgan, and what divines have called on certain occasions the esoteric and exoteric doctrine, he considered this as an essential part of kingcraft and state-policy, and held that no delicate political affair could be carried on without it. The double meaning, which almost perpetually lurked under his overtures and concessions to his adversaries, was a different affair. Charles was a profound casuist, and piqued himself upon his deep insight into that science. His duplicity therefore on these occasions, was not his shame, but his glory. He was satisfied, that, when the latent meaning of his proceedings with his opponents was fully explained, every one would perceive that this was the only sound meaning, would admire the dexterity with which he had started it, and laugh at the folly and well-merited defeat of those who had been its dupes. All this therefore was perfectly consistent in his mind with the spirit of a martyr, who would die in the midst of torments, rather than retract a creed, or subscribe to a proposition. As for himself, he would subscribe to any proposition that could be offered him, provided he was allowed to new-cast it in his own way, and insert into it the clauses and reserves by which it could hereafter be proved to be inconsistent with its obvious meaning. Afterward indeed, and in his extremity, he yielded on certain occasions to the bare and unqualified proposition that was offered

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His casuistical principles.

Duplicity and obstinacy reconciled.

Exceptions.

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him. But this must be set down to the account of the frailty of human nature, when the urgency of his condition compelled him to depart from the principles of his character.—Nay, beside this, it is also to be considered, that the man, who is perpetually splitting hairs, and forcing propositions out of their obvious meaning, will infallibly become the victim of his own art. The hair which he intends only to split, in spite of all his ingenuity will sometimes break, and he will be betrayed into the grossest and most uncolourable falshoods, when his original intention was merely to overreach his adversary with convenient prevarication.—It is scarcely necessary to say any thing of the pernicious tendency of the duplicity here explained. It cost to its inventor, or, more accurately speaking, to its great practical example, his life.

Change of system in Charles.

On the present occasion the character of Charles sustained a certain alteration. While he had armies and garrisons at his command, and could retain the state of a king, he allowed himself a greater degree of licence in his avowals and asseverations. There is scarcely a sovereign on record, who scrupled less on occasion, to invoke the name of God, and consign his soul to perdition, if that were not true, which he most intimately and certainly knew to be false [k]. Now

[k] See above, Vol. I, p. 284.

however he determined to take his stand upon some point. He never allowed himself to doubt that he should be restored to his throne. But, if it proved otherwise, and if he could not be a sovereign, he resolved at least to be something, and aspired to the character of the martyr of the church of England. If he died, this would embalm his memory; and if he were restored, nothing perhaps would conduce more to that purpose, than the shew of unalterable constancy to his adherents, who, whatever might be the appearance of things, were secretly not reduced in numbers by the spectacle, so impressive to the ordinary feelings of mankind, of a king in adversity, stripped of his powers, immured in a prison, and dictated to, controled, and overwhelmed with hardships, by those we are accustomed to call his subjects.—His maxims in this respect will be more fully explained, when we come to the consideration of the treaty of Newport.

Prepares to retreat to the Scots.

Mean while the armies of the parliament approached nearer and nearer to the closing up the city of Oxford. The surrender of Exeter had taken place on the third of April[l]; and Fairfax and Cromwel were fast coming up, to make all escape impossible[m]. The king therefore was compelled to an immediate election. The Scots

[l] Rushworth, Vol. VI, p. 262.

[m] Ibid, p. 266. Clarendon, Vol. III, p. 21.

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scrupled to receive him, but upon the terms of his subscribing to the covenant, and yielding a full establishment to the presbyterian system of church-government. Charles had internally resolved against this concession. The idea therefore occurred to him of throwing himself into the quarters of the Scots' army without a previous agreement. As he had thought of repairing to London, and taking the chance of the effect to be produced upon men's minds by the sight of his present humiliation, and the remembrance of his former dignity, and by the conflict of parties which his presence would inevitably produce, so he conceived the same experiment might be made with equal or greater hopes upon Leven and his followers.

Conditions they prescribe to him.

The Scots had consented at the instance of Montreville to send on a detachment as far as Burton, to meet the king, and escort him to their camp. But they annexed severe conditions to this proceeding. They refused to admit the body of horse which it was supposed would accompany Charles in his retreat, within their lines. They would allow of no attendance but that of the princes Rupert and Maurice, who proposed to follow their uncle, and of Ashburnham; and they stated that even these could not remain with them, if they were claimed by the English parliament: the utmost they could do for them in that case, was to give them due notice, and allow them

to escape. They required that the king, when he met the Scottish escort, should declare that the object of his journey was Scotland (no doubt, to join Montrose), and that he should appear to submit to compulsion in allowing himself to be conducted to the quarters of Leven [n]. All these precautions were judged necessary, to prevent an immediate rupture with Fairfax and the independents.—The plan however here laid down, was subsequently rendered abortive.

Escapes out of Oxford.

The debate had continued so long, and the uncertainty as to what should be done had been so protracted, that at length Charles found himself unable to muster such a body of horse as should be sufficient to conduct him in safety to Burton, in the midst of the various obstacles that might be opposed to his passage. This prince, who for years had traversed England in every direction, and by the rapidity of his motions had beaten up the quarters of all who had endeavoured to obstruct him, now found it necessary to escape out of Oxford with only two attendants, Ashburnham for one, who had of late engrossed his master's ear, and Hudson, a clergyman, one of whose recommendations was his intimate knowledge of the cross-roads of the circumjacent counties. He sallied forth from his garrison at the hour of midnight, April the twenty-seventh. The person

[n] Clarendon, State Papers, Vol. II, p. 221.

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of Charles was disguised; and he rode as servant to Ashburnham, having a portmanteau behind him on his horse. The king's council at Oxford knew of his purpose to leave the place; but none of them were acquainted with the destination he intended to pursue [o].

Irresoluteness of his purposes.

He proceeded at first, with few deviations, in the direct road for London; from Oxford to Henley, and from Henley to Brentford [p]. But, as he approached the towers of the capital, he began to regard the idea of entering the city, and endeavouring for a time to remain there concealed, which had been one of his projects, as savouring too much of temerity. Above all things he dreaded the idea of being placed without conditions in the hands of the present ruling party. Yet, so fully was London judged to be the object of his journey when he left Oxford, that the duke of Richmond, Charles's kinsman, with four other noblemen or gentlemen, came into Fairfax's quarters the next day, with the secret hope that they might be permitted to attend the sovereign in his precarious situation [q].

Direction of his journey.

Charles however, being now impressed with the rashness of this so lately his favourite measure, struck out of the public road, and

[o] Rushworth, p. 267. Clarendon, p. 22.

[p] Rushworth, *ubi supra*.

[q] Journals of Commons, April. 30. of Lords, May 6.

crossed, from Brentford to Harrow, and from Harrow to the vicinity of St. Albans[r]. Still deviating from the public roads, he reached Market Harborough in the course of the second day of this perilous journey, where it seems he expected to encounter Montreville, or some small escort of horse that should be sent to meet him by this envoy[s]. In this expectation he was disappointed; and, thus baffled, the king felt with double acuteness the desperateness of his condition, and was wholly at a loss what course to pursue. From Market Harborough he turned aside to Stamford, and from Stamford to Downham in Norfolk[s]. In this journey we are told he refreshed himself at several gentlemen's houses, to whom his person was known, but who made a shew of treating him as any common stranger[t]: but this is extremely uncertain.

Arrives in the quarters of the Scots.

At Downham Charles remained from Thursday, the last day of April, to the following Monday, in the same state of irresoluteness and fluctuation which had marked his residence at Ragland in the autumn before[u]. At length he roused himself from this indecision; and, seeming to his own apprehension to have no other choice, he made his appearance at seven in the morning on the

[r] Rushworth, *ubi supra.*
[s] Ibid.
[t] Clarendon, *ubi supra.*
[u] Rushworth, *ubi supra.*

CHAP. XXVII.

1646. Measures of the parliament.

fifth of May, at Southwel, the quarters of Montreville near Newark [w].

The parliament was greatly disturbed by the evasion of the king. For several days it was believed that he lay concealed in, or in the neighbourhood of, London. On the fourth of May it was ordered by both houses, and the order proclaimed by sound of trumpet, that whoever should harbour or conceal the king's person, or not immediately reveal what he knew, should be proceeded against as a traitor to the commonwealth, forfeit his whole estate, and die without mercy [x]. Two days after, letters arrived stating that the king was with the Scots' army; and the commons immediately came to a vote, desiring of the general and the Scots' commissioners in their army, that the king's person should be disposed of to such place as the parliament should appoint; and Warwick Castle was named for that purpose [x]. To this vote the house of lords dissented [y].

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[w] Journals of Lords, May 7.

[x] Journals. [y] Journals, May 8.

HISTORY

OF THE

COMMONWEALTH OF ENGLAND.

BOOK THE SECOND.

From the Flight of the King in 1646, *to his Death.*

CHAPTER I.

PRACTICAL COMMENCEMENT OF A REPUBLICAN GOVERNMENT IN ENGLAND.—CHARACTER OF THE PRESBYTERIAN SECT.—CHARACTER OF THE ARMY.—CONDITION OF THE ROYALISTS.—STATE OF SCOTLAND.—STATE OF IRELAND.—VISCOUNT LISLE MADE LORD LIEUTENANT.—PEACE BETWEEN ORMOND AND THE IRISH CATHOLICS.

CHAP. I.

1646. Practical commencement of a republican govern-

DURING the period of the Civil War, we may consider that part of the island of Great Britain, called England, as being in some sort under the government of two distinct heads, the king and the parliament, accordingly as the different portions of the country adhered to the party, or were

BOOK. II.

1646. ment in England.

controled by the arms, of the one or the other. At the epoch at which we are now arrived, the royal authority, as governing the soil, or any division of the soil of England, is to be regarded as annihilated, and the nation as practically constituting a commonwealth, or republic: the king only remaining a private individual having certain hereditary pretensions, as a rallying point to his own baffled and conquered partisans, and as an incidental object of negociation, accordingly as inclination might prompt, or circumstances compel, a party in the nation, to meditate the reinstating any portion of the executive authority in the royal line of her preceding rulers.

Critical situation of affairs.

This was a perilous interval, filled with dangers and convulsions; and the country may be said to have been in a great degree without a government, from the flight of the king to his death. Not that there was any deficiency of talent or resolution in those who were at this time most conspicuous in public affairs. Far otherwise. The proceedings of the Long Parliament from its commencement had been planned with great sagacity and judgment by Hampden and Pym: the lawyers in the parliament, Selden, Whitlocke and St. John, were men whose attainments in the knowledge of their profession have scarcely at any time been surpassed, and the parliament on all occasions placed the greatest confidence in their suggestions and their wisdom. But at the

period at which we are arrived the two great parties in the state, the presbyterians and independents, were nicely balanced, and were irreconcileably hostile to each other. Each believed its own ascendancy to be inseparably connected with the general welfare, and scrupled scarcely any means for securing that ascendancy, and reducing the authority of its opponent.

Names of the leaders.

The leaders of the independent party were Cromwel, St. John and Vane: to these we may add Fiennes and Marten. The chief leaders of the presbyterians were Hollis and sir Philip Stapleton: the names of others will occur as we proceed.

Character of the presbyterian sect.

The presbyterians had a thousand advantages. They had a majority of the clergy, they had the nobility, the city of London, and a great portion of the nation, on their side. A vehement struggle had existed, from the accession of Elizabeth, between the episcopalians and the Puritans. The court was at all times favourable to episcopacy. They approved of a certain deviation from the church of Rome; they desired to get rid of the interference and usurpations of the pope, and the grosser errors of the popish religion: but they wished to have a national church, formed to a great degree on the Romish model, with the same gradations of hierarchy, and most of the same solemnities and ceremonies. This was not conformable to the spirit in which the Reformation had

Rise of the Puritans.

BOOK II. 1646.

commenced: neither Luther nor Calvin, nor any of the original authors of this great change, had ever dreamed of giving sanction to such a church, as the church of England. The nobility however almost universally, unless when, as in the case of Leicester, the favourite of Elizabeth, they wished to increase their political strength by caballing with the puritans, were in favour of episcopacy. In a word, all those who valued religion principally as an instrument of policy, took that side. Nor is it to be doubted, that many others, from the prejudices of education and habit, and actuated with the utmost singleness of heart, approved and adhered to that church which the civil government supported.

Fervour with which they were animated.

But this, as has just been said, was not the spirit in which the Reformation began. With the first reformers, spread as they were through every rank and order of the state, even to the lowest, religion was the farthest in the world from a matter of calculation and indifference. It was part of their existence. It mixed itself with all their concerns. It was about their beds and their refreshments, and set its stamp upon all their intercourses of life. It was of every consideration that belonged to them the most serious. It abhorred all qualification and compromise with their secular interests. Persons thus thinking, and thus feeling, were almost universally of the puritan party. They

lothed the church of Rome, and every thing that assimilated itself to it, and required to have the gospel delivered to them in all its original plainness and simplicity. 1646.

Their partiality to the dogmas of presbyterianism.

These men, at the commencement of the civil war, were presbyterians: and such had at that time been the great majority of the serious, the sober, and the conscientious people of England. There was a sort of imputation of laxness of principle, and of a tendency to immorality of conduct, upon the adherents of the establishment, which was infinitely injurious to the episcopal church. But these persons, whose hearts were in entire opposition to the hierarchy, had for the most part no difference of opinion among themselves, and therefore no thought of toleration for difference of opinion in others. Their desire was to bolish episcopacy, and set up presbytery. They hought and talked much of the unity of the hurch of God, and of the cordial consent and greement of its members, and considered all sects nd varieties of sentiment as a blemish and scanal upon their holy religion. They would put own popery and episcopacy with the strong hand f the law, and were disposed to employ the same nstrument to suppress all who should venture to hink the presbyterian church itself not yet sufciently spiritual and pure.

Rise of the independents.

Against this party, which lorded it for a time lmost without contradiction, gradually arose the

BOOK II. 1646.

party of the independents. We have seen their origin and the steps of their progress. Before the end of the civil war they became almost as strong as the party of the presbyterians, and greatly surpassed them in abilities, intellectual, military, and civil. This is the natural progress of things. Those who come to dissent from what has gone before, feel the justice of being tolerated themselves, and presently become sensible that the carnal weapons of prohibitions and punishment can never be demanded for the support of divine and everlasting truth.

Character of the army.

Nearly the whole of Fairfax's army, twenty-two thousand men, were independents. Several inferior military corps in different parts of the kingdoms, particularly those of Massey in the west, and Poyntz in the north, were presbyterians; at least their commanders and principal officers adhered to that faction.

The character of the English soldiery of this period was of no ordinary sort. They were originally formed to the qualities they afterwards displayed, by Cromwel and men of that stamp. Their peculiarities will be best understood, if we consider them as stated in the words of their contemporaries. Cromwel, says Whitlocke, in an early period of the war, "had a brave regiment of horse of his countrymen, most of them freeholders and freeholders' sons, and who upon matter of conscience engaged in this quarrel. And thus, being

well armed within by the satisfaction of their own consciences, and without by good iron arms, they would as one man stand firmly, and fight desperately [a]." "At his first entrance into the wars he had a special care to get religious men into his troop: these were of greater understanding than common soldiers, and therefore more apprehensive of the importance and consequence of the war; and, making, not money, but that which they took for the public felicity to be their end, they were the more engaged to be valiant. They therefore proved such that, as far as I could learn, they never once ran away before an enemy [b]." "Cromwel invited all the honest men (as he was pleased to call them) to take on with him. Wherefore independents, anabaptists, and all the sink of fanaticks, came flocking to him. Who, in the beginning, were unskilful both in handling their arms, and managing their horses. But he used them daily to look after, feed, and dress their horses, and, when it was needful, to lie together with them on the ground. He besides taught them to clean, and keep their arms bright, and ready for service, to chuse the best armour, and arm themselves to the best advantage. Trained up in this kind of military exercise, they excelled all their fellow-soldiers in feats of war, and obtained

[a] Whitlocke, p. 72.

[b] Baxter, Life, p. 98.

BOOK II. 1646.

more victories over their enemies [c]." "And these men, habited more to spiritual pride, than carnal riot and intemperance, so consequently, having bin industrious and active in their former callings and professions, where natural courage wanted, zeale supplied its place. At first they chose rather to dye than flye; and custom removed the fear of danger [d]." This army said of itself, shortly after this period, in a petition to parliament, "We were not a mere mercenary army, hired to serve any arbitrary power of a state, but were called forth and conjured, by the several declarations of parliament, to the defence of our own and the people's just rights and liberties. To these ends in judgment and conscience we took up arms; and we are resolved to assert and vindicate these rights against all arbitrary power, and all particular parties and interests whatsoever [e]." And Clarendon, immediately after the Restoration, says, in a speech to the parliament on the question of disbanding these forces: "His majesty consents to the measure. Yet, let me tell you, no other prince in Europe would be willing to disband such an army: an army, to which victory is entailed, and which, humanly speaking, could hardly fail of conquest whithersoever he should lead it: an army, whose order and discipline,

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[c] Bates, Elenchus Motuum, Pars II.

[d] Warwick, p. 252.

[e] Rushworth, p. 565.

whose sobriety and manners, whose courage and success have made it famous and terrible over the world [f]."

Supported by a majority in the house of commons.

The independents, or the party of the army, in addition to all their other advantages, had lately gained, principally through the means of the new elections, a majority in the house of commons in favour of their interests and views. In opposition to this, the presbyterians placed the main stay of their hope in this crisis, in the Scottish army before Newark. It was therefore a great point gained for their cause, when it was known that the king had placed his person under the protection of that army.

Presbyterians rely on the Scots' army.

Condition and strength of the royalists.

We shall not have taken by any means a complete view of the state of England at this period, if we leave out of our consideration the numbers, the feelings, and the intentions of the royalists. They had been so strong, partly by their own intrinsic force, and partly by the secret leaning of many who appeared to adhere to the opposite party, as to have produced a perilous and a doubtful struggle in the field, of nearly three years in duration. It could not be otherwise. Monarchy had at all times been an integral part of the political state of England. The constitution of our government had never been clearly defined: and, since the conclusion of the wars of

[f] Parliamentary History, Sep. 13, 1660.

BOOK II. 1646.

York and Lancaster, the language of absolute sovereignty had frequently been heard from our kings and their flatterers. What had thus been divulged and repeated, grew without controversy into the creed of many of the inhabitants of England. Absolute monarchy has the advantage of a simple proposition, most easily to be comprehended; and, having a visible and individual head, it is in that respect also best adapted to the apprehension of uneducated minds. The adherents of the royal party had been defeated, but they had not been exterminated. The civil war had on the whole been attended with few atrocities, and scarcely any blood had been wantonly shed. The adherents of the king had been put down, and had been mulcted; but this did not tend to soften their dislike to their adversaries. They continued in a state of comparative apathy and forbearance. But they waited for the opportunity that should enable them once more to raise their heads; and they entertained small doubt that they should be able, by secret or by open means, to restore in no long time their apparently ruined cause. The very clemency of their foes, so far as it is entitled to that name, added to their strength. Thus evenly in many respects were at this period balanced the state of parties among us; and a sober and reflecting mind could not but look forward with great apprehension and uncertainty as to what might be the issue.

CHAP. I.

1646.

Having taken this general view of the situation of the English nation, it may be proper to advert to that of Scotland and Ireland. Both these nations had been convulsed to the very centre by the causes which had produced the civil war in the metropolitan state. Scotland had taken the precedence of England in the struggles between presbytery and episcopacy. The king had twice marched in hostile array against his native country, for the purpose of settling this controversy by force of arms; but the result had been the entire triumph of the presbyterian system. Still the seeds of contention remained in the northern kingdom; and, when the predominant party marched their forces to the aid of the presbyterians in the south, Montrose, a deserter of that faction, found means to excite so violent a resistance, as at one time to put him in possession of the city of Edinburgh, and to give him the semblance of a complete victory. This lasted however for a very short period: his fall proved as sudden and abrupt as his rise had been. Charles in the mean while fondly clung in his wishes and his hopes to the party of Montrose: and he vainly flattered himself, that when he appeared in person in the midst of Leven's army, he should be able by persuasion or intrigue to induce them, in whole or in part, to coalesce with Montrose against the triumphant faction of the independents in England.

State of Scotland.

BOOK II.

1646. State of Ireland.

Ireland had been now for some years, with the exception of Dublin and a few strong places, in possession of the Catholics who had engaged in the rebellion of 1641. Whatever had been done from Britain respecting her, tended rather to increase the alienation and the calamities that existed there, than to reduce her into her former state of subjection to England. The parliament, engaged as they were in intestine war, had neither leisure nor means to reestablish the former subordination and control. The Scottish army landed in Ulster had views of their own, and did not cordially cooperate with the designs of the English parliament. The king gave himself no concern respecting the neighbouring island, unless to discover in what extent it was practicable to draw auxiliaries from thence to fight his battles at home.

1644. Earl of Inchiquin deserts to the parliament.

The first event which tended to give the parliament a firm footing in Ireland, was the desertion of the earl of Inchiquin from the party of the royalists. This nobleman conceived himself to have a just claim to the office of president of Munster upon the death of sir William St. Leger; but, by one of those intrigues so usual in a court, an Englishman, the earl of Portland, obtained the appointment, and the pretensions of Inchiquin were treated with scorn. The disappointed suitor immediately entered into correspondence with the parliament, and brought over along with him to the same side lord Broghil and

CHAP. I.

1645.

everal distinguished personages[g]. This was the year 1644. Inchiquin therefore received om the parliament the appointment of president f Munster in the beginning of the following ear[h]. A few months later sir Charles Coote deved from the same authority the office of presient of Connaught[i].

Committee for the affairs of Ireland appointed.

The issue of the civil war appearing to be dedded by the battle of Naseby, the parliament had mewhat a greater degree of leisure to attend the interests of the Protestant religion in ie neighbour-country. On the first of July an dinance was passed, appointing a committee of even lords, and sixteen commoners, to take into nsideration the proper means for the relief of Irend, and particularly of the province of Munster[k]. August they sent over two parliamentary comissioners to Munster[l], and in September two ore for the province of Ulster[m]. The next subct of deliberation was the appointing a principal

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[g] Carte, Life of Ormond, Vol. I, p. 509, *et seqq.*

[h] Journals, Jan. 14, 1645.

[i] Journals of Commons, Apr. 29. of Lords, May 3.

[k] Journals of Lords. The names of the commissioners were e earls of Kent, Salisbury, Pembroke, Denbigh and Bolingbroke, d lords Willoughby and Montague, for the lords, and for the mmons, Hollis, Lisle, Goodwin, Reynolds, serjeant Maynard, gby, Moore, Jephson, Whitehead, Rolle, Knightley, Tate, sir hn Clotworthy, sir John Evelyn, sir William Brereton, and sir alter Earl.

[l] Journals of Commons, Aug. 18.

[m] Ibid. Sep. 16.

BOOK II.

1646.

officer with the title of lord deputy, who should go with a sufficient body of forces to reduce Ireland to the obedience of the parliament; and it was debated whether Cromwel or lord Lisle should be selected for this business [n]. The appointment was finally conferred on the latter; and he received his commission, with the higher title of lord lieutenant on the ninth of April 1646 [o].

Viscount Lisle made lord lieutenant.

Philip viscount Lisle is the person whom, being at that time deceased, Dryden refers to in the Preface to his Fables, in a manner which reflects the highest honour on that nobleman's literature and taste [p]. He was the brother of Algernon Sidney. His father, the earl of Leicester, was a perfect courtier in the most respectable sense; his preferences were with the friends of freedom, but he conducted himself for the most part in these trying times with a moderation that bordered on timidity.

Plans of the royalists in that country.

Mean while the royalists in Ireland had not been inattentive to the views of their party. It

[n] Carte, Vol. I, p. 538.

[o] Journals of Lords.

[p] "There are other judges, who think I ought not to have modernised Chaucer, out of a quite contrary notion from that of the men who despise him. They suppose there is a certain veneration due to his old language, and that it is little less than profanation and sacrilege to alter it. They are further of opinion, that somewhat of his good sense will suffer in this transfusion, and much of the beauty of his thoughts will infallibly be lost, which appear with more grace in their old habit. Of this judgment was that excellent person."

was now sufficiently clear that the king's purposes in England could derive little effectual support from the native strength that could be brought into the field. His own hopes and those of his abettors were turned to succours he might expect from Ireland, from Lorraine, and from the indefatigable exertions and activity of Montrose in Scotland.

Glamorgan set at liberty.

We have brought down the narrative of the proceedings in Ireland with the view of enabling Charles to encounter the forces of the parliament, to the imprisonment of the earl of Glamorgan in the close of the year 1645. The restraint put upon him however lasted a very short time, and he was enabled once more to shew himself in the general assembly of the Catholics in Kilkenny in the end of January [q]. Digby, who had originated the proceedings against him, and Ormond, the lord lieutenant, who had yielded to the importunities of Digby, appear in that short time to have altered their views. They were sensible how vital it was to the enabling the king once more to take the field against the parliament, that succours should be conveyed to him from Ireland without the smallest delay; and they seemed now to be convinced, that no mediator could be employed for that purpose half so efficient and useful as Glamorgan. We have accordingly a letter of

[q] Birch, p. 139.

BOOK II. 1646.

Ormond to that nobleman, of the date of the eleventh of February, in which he says, "My affections and interest are so much tied to his majesty's cause, that it were madness in me to disgust any man, who has power and inclination to relieve him in the sad condition he is in; and therefore your lordship may securely go on in the ways you have proposed to yourself, without fear of interruption from me, or my so much as enquiring into the means you work by[r]."

Peace between Ormond and the Irish Catholics.

The preliminaries of Ormond's peace were finally settled, and the instrument signed on the twenty-eighth of March. The conditions in favour of the king were, that six thousand men should be transported by the supreme government at Kilkenny into England or Wales for his use by the first of April, and four thousand more by the first of May. It was further agreed, that the act itself should be lodged in neutral custody in the hands of the marquis of Clanricard till the embarkation of these forces should be completed, and that in case they were not sent by the times appointed, unless hindered by the blocking of harbours, contrary winds, or other reasonable cause, to be admitted as such by the lord lieutenant, the articles were to be of no effect, and each party was to be held disengaged, as if they had never been agreed upon and signed[s]. In

[r] Carte, Vol. III, No. 428. [s] Carte, Vol. I, p. 566.

these articles the question of the penal laws against the Catholics was referred to the king's "gracious favour and further concessions;" by which phrase the supreme council at Kilkenny declared they understood the contents of Glamorgan's peace in favour of the Romish church to be fully confirmed; and alleged, after the king's having taken refuge with the Scots, that they could look to no other concessions [t]. There was also a further point on which the lord lieutenant and the Catholic government differed in the views they entertained of the matter, the Irish intending to preserve their government in the form of a republic, and Ormond regarding it as the just object of the king and himself to reduce them to the condition of subjects [u]. Subsequent events however rendered the peace which had thus been concluded, of no efficiency.

[t] Birch, p. 214, 215.

[u] Ibid. p. 200.

CHAPTER II.

CHARLES PLACED UNDER A GUARD BY THE SCOTS.—SURRENDER OF NEWARK.—SCOTS RETREAT TO NEWCASTLE.—HOSTILE PROCEEDINGS AGAINST THEM.—INTRIGUES OF THE KING.—SCOTTISH COMMISSIONERS EXPOSTULATE WITH HIM.—HE ORDERS MONTROSE TO DISBAND.—DIRECTS OXFORD AND HIS OTHER GARRISONS TO SURRENDER.—HIS SECRET DISPATCHES INTO FRANCE.—CONTROVERSY OF THE KING AND ALEXANDER HENDERSON.—BELLIEVRE AMBASSADOR FROM FRANCE.—SIR WILLIAM DAVENANT.

BOOK II.

1646. Perplexity of the Scottish leaders.

CHARLES came to the quarters of the Scottish army, without having complied with the condition which they had insisted on as the preliminary of his being received,—an express yielding to the covenant, or, in other words, a consent to the abolition of episcopacy. This was a source of great uneasiness and perplexity to them. It disconcerted all their measures. They could have been content to receive him on the terms they had proposed. They would have resolutely defied the mighty power of the independents in the English army and in the house of commons, if the

king had sincerely joined them in their views, or had but appeared to do so. But that they should provoke so formidable adversaries, for the sake of a prince they could not trust, and who avowedly stood aloof from their purposes, was a thing they had never contemplated.

They expostulate with the king.

The king no sooner arrived among them, than the officers of the Scottish army pressed him with the utmost earnestness, and by every consideration of his own interest and welfare, to enter into their views by taking the covenant [a]. But they could not prevail. The most they could obtain from him was, that he would listen to any explanation that could be given him by divines or others, and that, when his conscience was convinced, he would yield to their desires [b].

He is placed under a guard.

This inflexibility on his part effected an immediate change in his situation. All appearance of authority was refused him. He had come among them accompanied with two attendants only. These were not allowed to wait upon him; and Montreville, the French envoy, received many testimonies of jealousy and distaste. A guard was set on the king's person; and he was not applied to for direction in any of the proceedings they adopted [c].

[a] Rushworth, Vol. VI, p. 268.

[b] Burnet, Memoirs of Hamilton, p. 277.

[c] Clarendon, Vol. III, p. 15, 23. Warwick, p. 293.

BOOK II.

1646. Surrender of Newark.

Mean while they were deeply impressed with the apprehension of the possible extremities to which the English parliament and army might proceed, when they heard that the king had taken refuge with his Scottish subjects. He was no sooner among them therefore, than they applied to him to give orders for the surrender of Newark, which had long been besieged, and which was reduced to extremity. Charles offered to cause the town to be put into the hands of the Scottish general; but, fearful of giving offence, Leven required that possession should be granted to Poyntz, the commander of the English forces in those parts [d]: and this matter was no sooner arranged, than the Scots broke up their camp, and marched with all expedition for Newcastle, one hundred and fifty miles further north, and only sixty miles from the banks of the Tweed. The king, as well as the Scots, was in alarm for the possible approach of Fairfax, and willingly encouraged their retreat. On the eighth day from his arrival at Newark, he entered the walls of Newcastle [e]. It was in fact moved in the house of commons, upon the first intelligence of Charles's being with the Scottish army, that Fairfax should break up the siege of Oxford, and, omitting every other purpose, should march in hostile array

Scots retreat to Newcastle.

[d] Rushworth, Vol. VI, p. 269. Guthry, p. 218.

[e] Rushworth, p. 217.

against Leven. But the Scottish commissioners in London, by their protestations of fidelity, and their promises of submission to the parliament on this head, found means for the present to turn aside the storm [f].

CHAP. II. 1646.

But, though the directors of affairs in London refrained for the present from proceeding to this extremity, they did not hesitate, in all ways short of warlike contention, to express their discontent and resentment at the cabals which the Scots had entered into with the defeated sovereign. Some controversial papers having passed between the Scottish and the English members of the committee of both kingdoms respecting the propositions to be sent to the king, these papers were by some adherents of the Scottish faction sent to the press; and the house of commons in consequence, about the middle of April, voted that this publication should be burned by the common hangman [g]. In palliation of this vote they alleged, as the particular matter of offence, certain unauthorised remarks which were prefixed to the papers by the editor [g]. A further act of violence was committed a few weeks after; a packet of letters, dispatched by the Scottish commissioners at London to their commissioners before Newark, being intercepted at the city-gates, and brought

Hostile proceedings against them.

[f] Clarendon, Vol. III, p. 23.

[g] Journals, April 13, 20. Baillie, Vol. II, p. 202, 203.

BOOK II. 1646.

and read in the house of commons [h]. The object of this interference was to ascertain and expose the cabals, which had been for some time going on between the Scottish leaders at home, and the queen and her advisers at Paris. But the strongest measure adopted at this time was a vote of the house of commons on the nineteenth of May, declaring that this kingdom had no further use for the Scots' army continuing within the territory of England [i].

Intrigues of the king.

The king had thrown himself upon the protection of the Scottish army, with the hope, which he had never ceased to cultivate, of continuing with new prospects the war against the parliament. This appears from a letter addressed by him to Ormond a few days before he left Oxford [k]. His scheme was to bring about a union between Montrose and the army before Newark, and with their combined forces to impose such a peace as he might judge honourable, upon those by whom his offers had been hitherto rejected. On his arrival at the Scottish quarters, he had accordingly sounded some of the officers of that army, and particularly David Leslie, the general of the horse, who, since the decline of the credit of Leven, his uncle, seemed to bear the principal sway. Charles

[h] Journals, May 8. Baillie, p. 206. Hollis, p. 54, 55, 56.

[i] Journals.

[k] Journals of Lords, June 8.

had tempted this officer with the offer of the title of earl of Orkney; and Leslie is said to have agreed to take the proposal into his consideration[l]. 1646.

The committee of estates at Edinburgh however, fearful of some attempt of this kind, no sooner heard that the king was in the midst of their army, than they dispatched the earl of Lanerick, with two other noblemen, to the south, to prevent any mischief that might accrue to the cause of the covenant, from the instability and intriguing spirit of their military officers. They opened their instructions to the king on the second day after his arrival at Newcastle[m]. He is waited on by commissioners from Edinburgh.

Here Charles was first taught to acquaint himself at leisure with the unhappy state of a king placed at the absolute disposal of his subjects. The commissioners set before him in the plainest terms the necessity imposed on him of conforming to his situation. The thing especially incumbent on him was immediately to declare his adherence to the covenant. Without this it was impossible for the Scottish government, however well disposed, to render him any important service. With it he would find them heartily inclined to support his interest to the utmost of their power. It was the cause of presbyterianism that first engaged them in the war; and it would be absurd Their representations.

[l] Guthry, p. 218.

[m] Ibid. Burnet, Memoirs of Hamilton, p. 274. Journals of Lords, June 8.

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to imagine that, with a king disarmed and in their power, they would give up that for the sake of which they had defied him at the head of his forces. But, if even they should have the will to assist him in behalf of episcopacy in England, they would not have the power. Without the frankest concessions on the ecclesiastical question, they would have the English people united as one man against them; and it would be the idlest romance, to conceive that their army, reinforced by the followers of Montrose, was equal to the conquest of England.

As to his adherence to the covenant, they further said, that was in his own breast, and must be his personal act. But he must not imagine that they would temporise with this great national measure. There must be an immediate close to all intriguing on that subject. They therefore required of him in the first instance, to do all in his power to put an end to the remains of civil contention within the borders of Scotland. At their instance the king accordingly sent his orders to Montrose to disband his forces, and transport himself in person into France [n]. At the same time he dispatched a message to the two houses of parliament, stating that he had retired to the Scots, with no intention to protract the war, or to sow division between his two kingdoms, and of-

He orders Montrose to disband.

[n] Wishart, Appendix, No. 9.

fering as the pledge of his sincerity, to disband his forces in and about Oxford, and to dismantle the fortifications, its defenders being admitted to honourable conditions [o].

Loudon and Argyle at Newcastle.

The earl of Loudon, lord chancellor, and the marquis of Argyle arrived at Newcastle in the close of the month [p]. They had been, the former at London to endeavour to restore harmony between the English and Scottish governments, and the latter in Ireland to bring over a reinforcement to endeavour to put down the royalist insurgents in his native country [q]. These noblemen, with some other leading men from Scotland, pressed the king still further upon the necessity of absolutely abandoning all thoughts of continuing the war by means of his original partisans; and they obtained from him express orders for the surrender of Oxford, Worcester, and all other towns and fortified places, which still held out under his banners [r].

Charles sends orders for the surrender of Oxford, Worcester, &c.

Lanerick writes to Ormond in his name.

They further prevailed on him to give his sanction to a letter written in his name by the earl of Lanerick to the marquis of Ormond, on the eleventh of June, the very day subsequent to that on which he had issued his warrant for the surrender of Oxford and the other towns which

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[o] Journals of Lords, May 25. [p] Guthry, p. 220.
[q] Ibid. p. 213. Baillie, Vol. II, p. 194, 195.
[r] Rushworth, Vol. VI, p. 276.

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still held out in his name. The purport of this letter was to require the lord lieutenant to proceed no further in treaty with the Irish rebels, nor to engage the king upon conditions with them, after this notice [s]. Charles secretly knew that Ormond had already concluded a treaty of peace and alliance with the Irish, but this knowledge he concealed from his Scottish subjects.

His secret dispatches to France.

The king however, during his residence at Newark, found means to send a secret dispatch to the queen, the prince of Wales, who shortly after arrived in Paris, and his counsellors in that metropolis, of the date of the second of June. In this letter he stated, that the Scots had used him barbarously, had broken all their engagements with him, and had suffered none to approach but such as had been specially active in hostility against him. He in consequence desired them to understand this as the last free direction they could expect to receive from him. They were therefore steadily to pursue those orders which he had given them, before this time of his unfree condition. And, in all things wherein he had not given direction, the prince should from time to time issue such orders as should be judged best for the advantage of his crown and interest, without being diverted from it by any thing that in his present restraint might be surreptitiously

[s] Ibid. p. 302.

or violently got from him. He particularly specified the Irish peace as a business upon which the welfare of his affairs depended, and which was on no account to be infringed on. Finally, he stated that, whatever communications were made in his name, they should pay no attention to them, unless they were expressed in cipher in his own hand [t]. 1646.

Reflections.

This paper ought to be considered as an abdication, or at any rate a suspension, of Charles's royal crown and dignity, pronounced by himself. If he had absolutely refused to sign any papers, or issue any orders, that should be tendered to him for that purpose by those who held him in custody, that would have been in moral estimation a justifiable proceeding. But for him, which is the picture he makes of himself in this dispatch, to sit there, in the midst of his Scottish counsellors and military officers, assuming the name, and bearing the port of a king, signing one after another the papers and orders they brought to him, indifferent to how far they agreed with his real mind, or with the orders secretly given either orally or in writing, perhaps in direct opposition to them, and silent as to this opposition, by what name is this proceeding to be called? No such man can be trusted: no terms can be kept, no arrangement can be entered into, with him. Speech

[t] Carte, Vol. III, No. 463.

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is no longer of any signification or use. He voluntarily makes himself an outcast of society, and an outlaw to all the principles upon which the commerce of man and man must unavoidably be founded. Such was the position of Charles at the period at which we are now arrived.—In the Scottish army at least he was under no fear of assassination, and could not have such excuse as that fear might afford, for his duplicity.

Controversy of the king and Alexander Henderson.

At this period a memorable circumstance occurs, in the dispute between the king and Alexander Henderson respecting episcopacy. It is material to a right judgment of this point of history, that this circumstance should be set in the clearest light. Episcopacy, as has been said, was the point at which Charles at this time thought proper to take his stand; and consequences of a very lasting nature followed from the choice that he made.

Expectations and projects of the presbyterians.

The parliament, and to a considerable degree the people of England, were at this time divided between two great factions, called the presbyterians and independents. The presbyterians were the original opposers of the incroachments of prerogative, and the conductors of the civil war against the king. The independents were more recent in their commencement and growth. There were many causes that made the principles of independency spread continually wider and wider. They had lately gained the superiority even in the

house of commons. This event became a source of great bitterness to their adversaries, and they looked earnestly on all sides for a remedy. One obviously presented itself. The bulk of the Scottish nation was presbyterian; the dissentients, whether royalist or otherwise, being extremely inconsiderable. The Scots at this time had an army within the English borders. If the king, whose military strength was now in a desperate condition, should be induced to take refuge in this army, and could be prevailed upon to yield the question of presbyterian church-government, about which it was supposed he would be considerably indifferent, this might be sufficient to turn the scale. The parties in England were already nearly balanced; and the concurrence of the Scottish nation, backed with the authority and consent of the king, might be expected to decide the question. Such is the nature of a popular assembly, that, when any great and palpable advantage occurs to one party among them, the majority, if it were previously on the other side, diminishes in every successive division, till in no long time it becomes the minority. Such it was confidently expected would be the event in the present instance: the presbyterians would perpetually become stronger: the independents would be utterly baffled: and then the victorious leaders proposed to seat Charles upon a limited throne, and to put down all opposition for ever.

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1646. Defeated by the king.

The whole of this, no crude and ill-digested plan, was defeated by the unexpected pertinacity of the king. Charles had a rooted aversion to the yielding in any case, more especially to any man or set of men, whom he had been accustomed to regard as his enemies. His favourite idea at this time, was the "hope, that he should be able so to draw either the presbyterians or independents to side with him for extirpating the one the other, that he should be really king again[u]." The very circumstance, that he was now in the midst of the Scottish army, and surrounded with presbyterian advisers, perhaps gave him an additional leaning to the independents. If he gave up episcopacy, and closed with the Scottish offers, he might possibly be replaced on the throne. But episcopacy he regarded as a main support of royal power; and the terms that the presbyterians would otherwise afford him would be sufficiently hard. The independents on the other hand cared little about episcopacy, and entertained no greater partiality for presbyters than for bishops. Their object was liberty of conscience, and that every man should worship God, and every congregation of men form a church, in the way most agreeable to their own judgment. Charles therefore calculated that he should be sure to carry one point with the independents. And we shall see more clearly

His motives examined.

[u] See above, p. 133.

hereafter, that he considered the leaders of the independents as ambitious men, many of them comparatively upstarts from an obscure position in society, and therefore judged that they would be accessible to the temptations of titles and honours, and might by that means be induced to make him many concessions: while the leaders of the presbyterians were for the most part noblemen, and men of great hereditary estate, and would therefore prove less susceptible to the offers he might have it in his power to make them.

Question, whether he acted from policy or principle, considered.

Thus far we account for the conduct of Charles at this period upon obvious principles, and principles which we well know had considerable influence with his mind. We are now to see whether principles, which more peculiarly belong to the sequestered and studious man, or to the man brought up in the cold and rigid life of colleges and seminaries of education, had any great share in his decision.

Scots call Henderson to their aid.

The earl of Lanerick, the earl of Loudon, lord chancellor of Scotland, and other eminent statesmen, having in vain tried the force of their rhetoric to subdue the obstinacy of the king, bethought themselves of another expedient. Alexander Henderson, a man full of years and of ecclesiastical learning, was at this time the most eminent clergyman of the church of Scotland. He loved the church-establishment of his country; he loved his king; and he was accounted a most able and

BOOK II. accomplished polemic. His assistance therefore they called in, to try to bend the king's resolution.

1646. They were unavoidably prompted to this by the language the king held on the occasion. In answer to all the addresses that were made to him he said, that, when he was satisfied in his conscience of the lawfulness of what they desired, then, but not till then, could he grant their demands; therefore he was willing to enter into conference with any they should appoint; at the same time protesting, that if he got satisfaction to his conscience, he should at no time feel ashamed to change his judgment, and alter his resolutions [w].

His conferences with Charles. Upon this footing certain conferences were begun between the king and Henderson. In the course of these conferences, we are told, Charles repeatedly suggested that it would have been his wish, that a certain number of well-informed divines on both sides should have been nominated to debate the matter in his presence; but Henderson opposed this plan, alleging that such debates have seldom or ever been found an effectual mode for eliciting truth, or moving the minds of men to relinquish the tenets they before entertained [x]. Certain papers appear in the sequel to have passed between the king and the divine: and Clarendon assures us that the king "was so

Representations of Clarendon on the subject.

[w] Burnet, Memoirs of Hamilton, p. 277.

[x] Perinchief. Papers which passed between the King and Mr. Henderson.

much too hard for his antagonist in the argument (as appears by the papers, which were shortly after communicated to the world), that the old man himself was so far convinced and converted, as to have had a very deep sense of the mischief of which he had been the author, or to which he had too much contributed, and to have lamented it to his nearest friends and confidents. He died," adds the historian, "of grief and heart-broken, within a very short time after [y]."

Representations of the Scottish clergy.

Henderson's own friends however had a very different idea of the issue of the controversy. Baillie, the most intimate of them, and a brother-divine, says, in a letter to Henderson, which from its contents was written in July, a short time after the debate, "Though he should swear it, no man will believe, that he sticks upon episcopacy for any conscience [z]." And in another letter the same writer says to his correspondent, "The false reports which were here [in London] of Mr. Henderson, are, I see, also come to your hand. Believe me, for I have it under his own hand a little before his death, that he was utterly displeased with the king's ways, and ever the longer the more. That man died as he lived, in great modesty, piety and faith [a]."

[y] Clarendon, Vol. III, p. 31. [z] Baillie, Vol. II, p. 205.

[a] Ibid. p. 232. There still exists in King Charles's Works a collection, purporting to be the Papers which passed between the King and Henderson. It is somewhat material to the purposes of

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1646. Bellievre ambassador from France.

Montreville had in some way compromised his character in his negociations with Charles. He was charged with engaging in the name of the

history to ascertain whether these were really written by the persons whose names they bear. It is the more interesting, since, if any papers did pass, it seems morally certain that the king could not at this time have had any assistance in framing them, and they must have been purely his own composition.

The only author that speaks minutely as to the manner in which they were produced, is Burnet, in his Memoirs of Hamilton. This book was revised by Charles the Second, and throughout the author, who a few years after became a zealous whig, shews himself a violent tory. He says:

"That the king drew with his own hand all his papers, is averred by the person who alone was privy to the interchanging them, sir Robert Murray. It was believed few were more in the king's favour than he was: him therefore did his majesty imploy in that exchange of papers, being all written with his own hand, and in much less time than Mr. Henderson did his. They were given by his majesty to sir Robert Murray to transcribe: the copies under sir Robert Murray's hand were by him delivered to Mr. Henderson; and, Mr. Hendenson's hand not being equally legible, he by the king's appointment transcribed them for his majesty, and by his majesty's permission kept Mr. Henderson's papers, and the copies of the king's [what became of the originals? did nothing remain with Henderson? the vouchers for the papers did not venture to talk of their being extant in the king's hand], as was signified to the writer by himself, a few days before his much lamented death." p. 277, 278.

Supposing all this to be true, the question remains, whether the papers now to be found in king Charles's Works, are the very papers that were so exchanged at Newcastle?

This was the age of forgery. [Be it observed however that these fabrications were entirely confined to the royalists: there was something in the religious principles of the parliamentarians, vivacious and enthusiastical as was their character, which forbade them

Scots for more than they had ever contemplated, or were disposed to perform, and with thus having contributed to seduce the king into the mea- CHAP. II. 1646.

thus to tamper with the very foundations of evidence and truth.] The first body of these forgeries we have had occasion to notice (See Vol. I, p. 397, 398), is the speeches fabricated for various speakers by Clarendon, of which he was accustomed to say, that he should have been very glad if he could make a collection. The second is to be found in the Conference between King Charles and the Marquis of Worcester at Ragland, fabricated by Dr. Thomas Baily (See Vol. I, p. 472), in the conclusion of which the king is made to confess himself all but a convert to the Roman Catholic faith. The most memorable of these forgeries in every respect, is the Eikon Basilike (of which we shall hereafter have occasion to speak), or Pourtraicture of his Sacred Majesty in his Solitudes and Sufferings, published immediately after the king's death.

But to return to the correspondence between the king and Henderson. It is far from certain that any papers passed between them. Whitlocke, whose Memorials consist of a diary almost daily kept by that eminent statesman, appears to have known of no such thing. He only says, "1646, August 31. The Scots minister, Mr. Henderson, died at Edinburgh, a person of a sober conversation and good learning: some say he died of grief, because he could not persuade the king to sign the propositions." The General Assembly of the Kirk of Scotland made a Declaration, August 7, 1648, of the Falshood and Forgery of a Lying, Scandalous Pamphlet, called the Declaration of Mr. Alexander Henderson, made upon his Death-Bed. [For, be it observed, this was not the first forgery committed in this affair of the king and Henderson.] In this paper they speak of "his discourses and conferences with his majesty;" but no word occurs respecting any exchange of papers. [Neal, History of the Puritans, Appendix, No. X.] The like remark holds of the pretended death-bed recantation of Henderson, which they apply themselves to contradict. This also says nothing of papers. Baillie, his intimate friend and correspondent, shews himself

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sure of placing himself in their power. This was one of the reasons, that prompted the court of France in all haste to appoint a new minister to Britain, with the superior style of ambassador

equally uninformed in his Letters. The first edition of these "Papers which passed between Charles the First and Henderson," bears date in the year 1649.

But, supposing such an exchange of papers to have taken place, it remains to be settled whether the papers now in our hands are genuine.

One thing not a little startling is the eulogium with which they set out, upon "king James of happy memory," so like the style of a fabricator, so unlikely to be the style of the person by whom they are pretended to be written. "From my infancy," says His Majesty's First Paper, "I was blest with the king my fathers love, which, I thank God, was an invaluable happiness to me all his daies: and, among all his cares for my education, his chief was to settle me right in religion; in the true knowledge of which he made himself so eminent to all the world, that I am sure none can call in question the brightness of his fame in that particular, without shewing their own ignorant base malice. He it was who laid in me the grounds of Christianity, which to this day I have been constant in. So that, whether the worthiness of my instructor be considered, or the not few years that I have been settled in my principles, it ought to be no strange thing, if it be found no easie work to make me alter them; and the rather, that hitherto I have (according to St. Paul's rule) been happy in *not* condemning myself in that thing which I allow."

What was really the education of Charles the First in point of religion, shall now be shewn by a few testimonies. "In the sixth year of his age he was committed to the instruction of Mr. Thomas Murray [afterward provost of Eton], a person well qualified to that office, though a favourer of presbytery." Perinchief, Life of Charles I. "The death of the queen, March 1619, was not long after followed with a sharp sickness of the king, wherein his life seeming

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1646. His large undertakings.

extraordinary [b]. The name of the man was Bellievre. They had persuaded the queen of England and her advisers, that Bellievre's orders were to make certain propositions in the name of

in danger, the consequences of his death began to be lamented. Dr. Andrews, then bishop of Ely, bewailed the sad condition of the church, if God should at that time determine the days of the king; the prince being then only conversant with Scotchmen, which made up the greatest part of his family, and were ill-affected to the government and worship of the church of England. Of this the king became so sensible, that he made a vow, if God should please to restore his health, that he would so instruct the prince in the controversies of religion as should secure his affections to the present establishment." Ibid. "When king Charles succeeded to the crown, he was at first thought favourable to the puritans; for his tutor and all his court were of that way: and Dr. Preston, then the head of the party, came up in the coach from Theobalds to London, with the king and the duke of Buckingham; which, being against the rules of the court, gave great offence: but it was said, the king was so overcharged with grief, that he wanted the comfort of so wise and so great a man. It was also given out, that the duke of Buckingham offered Dr. Preston the great seal: but he was wiser than to accept of it." Burnet, History of his Own Time, Book 1.

There is one other phrase in the King's First Paper that deserves to be animadverted on. "Such was the cause that made me desire to have some learned man argue my opinion with you, of whose abilities I might be confident, that I should not be led into an error for want of having all which could be said laid open unto me. For indeed *my humour is such, that I am still partial for that side, which I imagine suffers for the weakness of those who maintain it.*" This is so contrary to every thing that belongs to Charles's real character, that it may well fill us with astonishment. But it exactly

[b] Clarendon, Vol. III, p. 13, 16, 18.

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his master to the parliament, and, if these were not complied with, immediately to denounce war

suits the person of an artificial disputant, one of whose offices it is to assume an air of uncommon modesty and candour.

Indeed the whole debate is managed after the strictest rules of college-disputation. In the conclusion of his Third Paper, the king is made to say, "I close up this Paper, desiring you to take notice, that there is none of these sections but I could have inlarged to many more lines, some to whole pages: yet I chose to be thus brief, knowing you will understand more by a word, than others by a long discourse; trusting likewise to your ingenuity, that reason epitomised will weigh as much with you, as if it were at large." Is this the style of a man, who feels that he is debating for his conscience, his fame, and his crown? Is it not rather the style of a man, weighing his words, and nicely attentive to the terseness of his phraseology?

Mr. Henderson is obliged to conclude with a Third Paper; but the king goes on to a Fourth and a Fifth without an antagonist, anxious, like a true wrangler, to have the last word. In his Fourth he expresses himself thus: "Indeed I like very well, to begin with the settling of the rule, by which we are to proceed, and to determine the present controversie; to which purpose, as I conceive, my Third Paper shews you an excellent way, for there I offer you a judge between us, or desire you to find out a better; which to my judgment you have not done, though you have sought to invalidate mine. For, if you understand to have offered The Scripture, though no man shall pay more reverence, nor submit more humbly to it than myself; yet we must find some rule to judge betwixt us, when you and I differ upon the interpretation of the self-same text, as 2 Cor. 1. 24, and 1 Cor. 2. 5, or it can never determine our questions. And, since, 2 Pet. 1. 20, "No prophesie of scripture is of any private interpretation," I infer, first, that scripture is to be interpreted (for else the apostle would have omitted the word "private"): secondly, that the consent of many learned divines is necessary; and so, *a fortiori*, that [the consent]

against England on the part of France, and return; the result of which would be, to ship without

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of the Catholic church ought to be an authentick judge, when men differ."

Nothing can be at once more obvious or more practicable than to compare these papers with the unquestionable productions of Charles's pen. We have between two and three hundred of his letters, most of them, from the circumstances, or from internal evidence, undoubtedly written by himself. In these we perceive no want of power to express either his orders or his thoughts. They are written in what may emphatically be called a royal style No attention is afforded by the writer to what are regarded as the artifices of composition. They have nothing in them of circumlocution or ceremony; no colouring of the craft of authorship. The sceptred penman proceeds somewhat impatiently to his point; he is blunt and brief; we see plainly, that he thinks it would be some sacrifice of his dignity, if he were careful of auxiliaries and expletives, or used words other than were barely necessary to convey an unambiguous meaning.—It would be superfluous labour to compare this royal style with the pedantic and schoolman-like periods of the Papers to Henderson.

It would perhaps be too bold a proceeding, to fix upon a particular individual as the author of this forgery. For myself, I should be inclined to name the arch-forger of the age, Clarendon, who expresses himself with great complacency respecting these very papers. He had abundance of leisure on his hands during this period, being an exile in France; and his pen could never be idle. From the very dawn of life he was a pedant; and his profession of the law stored him abundantly with technicalities and subtle distinctions. From this period too he was distinguished as the unmitigated zealot of episcopacy; a cause to which he first sacrificed the honour of Charles the Second on the Restoration, and then introduced a copious vein of persecution and intolerance, which, perhaps more than all the rest, constitutes the disgrace of the reign which commenced under his auspices.

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delay an army of thirty thousand men, with the prince of Wales at their head, which force was to prosecute with all diligence the restoration of his royal father to all his pristine honours and prerogatives [c].

His negociations.

But the proceedings of Bellievre very little accorded with these expectations. Upon his landing he immediately proceeded to London, and threw himself exclusively into negociations and commerce with the presbyterian leaders and the Scots' commissioners [d]. The queen had given him instructions at Paris, if he could not succeed with the parliament for the preservation of the episcopal church of England, to wave that point, and apply his influence with Charles to induce him to yield the ecclesiastical question to the victorious party [e]. The Scots and the presbyterians inforced this advice with all their might, and assured Bellievre that nothing could be done for the king, unless he first gave up the church [f].

Sir William Davenant.

Thus prepared, and impressed with the indispensible necessity of the measure, Bellievre proceeded from London to Newcastle, as much, virtually and in spirit, the ambassador of the presbyterians, as either of the queen, or of the king of France. He however found Charles inflexibly

[c] Clarendon, Vol. III, p. 27, 31.
[d] Ibid. p. 31. Baillie, Vol. II, p. 218, 219.
[e] Clarendon, Vol. III, p. 29. [f] Ibid. p. 31.

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adverse to his expostulations; and he therefore almost immediately applied through Mazarine to the queen, requesting that she would send over to the king some person who might have so much influence, as to prevail with him to consent to what was thus absolutely necessary to his service[g]. The queen fixed on sir William Davenant, a man of great talents, and who had been concerned in state-affairs on the royal side from the commencement of the civil war, whose name also, particularly for his poem of Gondibert, occupies a most respectable place in the records of English literature. But the king had a prejudice against poets, thinking them disqualified for taking a serious share in the concerns of mankind[h]; and he yielded no more to Davenant, than he had before done to Henderson, to the Scots, to the English presbyterian leaders, or even to the queen herself. After some intercourse with Davenant, he proceeded to treat him with great haughtiness, and even forbade him to come into his presence again[i]. This occurred about the month of July[k].

His miscarriage.

A fitter place perhaps will not offer itself than the present, to consider the principles of Clarendon on the theory of political go-

[g] Ibid. p. 32. [h] Denham's Poems; Dedication.

[i] Clarendon, Vol. III, p. 32, 33.

[k] Journals of Commons, July 17.

vernment. The subject is in various ways of importance. 1. As Clarendon is one of our most eminent historical writers; and as the judgment we ought to entertain of the colours bestowed by him on the facts he relates, must be in a great degree regulated by the soundness or unsoundness of his principles in that respect. 2. As he may be considered as in some sort the representative of the more moderate and rational of the followers of Charles I, of those men (himself and Falkland being the most distinguished among them) who strenuously adhered to the parliament in the commencement, and who went off to the king, as soon as it was ascertained that the question between him and his adversaries would be decided by the sword. 3. By ascertaining the principles of these, the most moderate of the royalists, we shall be better enabled to perceive the debt we owe to those who, when Charles set up his standard, and resolutely appealed to the fortune of the field, nevertheless determined to persist in the line of conduct they had commenced, and to trust to the energy and courage of Englishmen for a favourable issue. We fortunately possess a book written by Clarendon, entitled A Survey of Hobbes's Leviathan, and published about the period of his death in 1673, in which his principles on the theory of politics are fully stated. The part most eminently to our purpose, is his Survey of Hobbes's Twentieth Chapter, and particularly from page 66 to page 72.

In this passage Clarendon expressly adheres to the doctrine laid down in various works by sir Robert Filmer, that Adam possessed, "by the gift of his creator, the dominion over mankind, and that we cannot but look upon him, during his life, as the sole monarch of the world." This dominion by right of primogeniture descended to Seth, and after the flood to Noah. But Clarendon endeavours to escape from sir Robert Filmer's inferences in favour of absolute monarchy, by the following hypothesis.

At the building of the Tower of Babel, the creator became displeased with the posterity of Noah, and not suffering them any longer to remain under an universal monarchy, made a distinct partition of the earth among his sons. "Under this division we of the western world have reason to believe ourselves of the posterity of Japhet, and that our progenitors, as they knew what region

God had assigned them, did as well know under what government they were to live."

"As mankind encreased, and the age of man grew less, so that they did not live to see so great a progeny, they who had the sovereign power, exercised less of the paternal affection in their government, and looked upon those they governed as their mere subjects, not as their allies [kinsfolk]; and by degrees, according to the custom of exorbitant power, considering only the extent of their own jurisdiction, and what they might do, they treated those who were under them, not as subjects, but as slaves, who having no right to any thing but what they gave them, [they] would allow them to possess nothing but what they had no mind to have themselves.—Kings had not long delighted themselves with this exorbitant exercise of their power (for though the power had been still the same, the exercise of it had been very moderate, whilst there remained the tenderness or memory of any relation), but they began to discern (according to their faculties of discerning, as their parts were better or worse), that the great strength they seemed to be possessed of, must in a short time end in absolute weakness, and the plenty they seemed to enjoy, would become exceeding want and beggary; that no man would build a house that his children should not inherit, nor cultivate land with good husbandry and expence, the fruit and profit whereof might be taken by another man; that whilst their subjects did not enjoy the convenience and delight of life, they could not be sure of the affection and help of them, when they should enter into a difference with one who is as absolute as themselves, but they would rather chuse to be subject to him, whose subjects lived with more satisfaction under him: in a word, that whilst they engrossed all power, and all wealth into their own hands, they should find none who would defend them in the possession of it; and that there is great difference between the subjection that love and discretion pays, and that which results only from fear and force; and that despair puts an end to that duty, which nature, and it may be conscience too, would still persuade them to pay, and to continue; and therefore that it was necessary that the subjects should find profit and comfort in obeying, as well as kings pleasure in commanding. These wise and whol-

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some reflections prevailed with princes for their own benefit to restrain themselves, to make their power less absolute, that it might be more useful; to give their subjects a property that should not be invaded but in such cases, and with such and such circumstances, and a liberty that should not be restrained, but upon such terms as they could not but think reasonable. And as they found the benefit to grow from these condescensions in the improvement of civility, and those additions of delight which makes life and government the more pleasant, they inlarged the graces and concessions to their subjects, reserving all in themselves which they did not part with by their voluntary grants and promises."

"This is the original and pedigree of government, equally different from that which the levelling fancy of some men would reduce their sovereign to, upon an imagination that princes have no authority or power but what was originally given them by the people,—and from that which Mr. Hobbes hath instituted."

CHAPTER III.

STATE OF PARTIES.—PROGRESS OF REPUBLICAN PRINCIPLES.—PURPOSES OF THE PRESBYTERIANS.—SENTIMENTS ENTERTAINED BY THE ARMY.—THEIR DISLIKE OF THE PERSON OF CHARLES.—PROPOSITIONS, THE DIFFICULTIES THAT ATTEND THEM.—CROMWEL AND IRETON.—AMBIGUITY OF THEIR PROCEEDINGS.—THEIR INTRIGUES.—CHARLES REJECTS THE PROPOSITIONS.

1646. State of parties.

THIS was a period of most critical importance to all parties in the English parliament. The independents were in reality well disposed to do without the king: their principal leaders, as well as the more determined zealots of the main body of their faction, had a decided partiality to a republican government. The presbyterians on the contrary, at least on this side the Tweed, were unanimously favourable to that mixed constitution under which England had subsisted through successive centuries. The consequence of this was, that the independents were bound in from the free pursuit either of their theories or their

Dissimulation that was practised.

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sentiments. The parties which divided the legislative body were very nearly balanced; and those persons, who had fought on the king's side, or who without taking arms had constantly prayed for his success, and were now as anxious as ever for his restoration and glory, though they were reduced to adopt a secret and indirect mode of proceeding, were yet capable, by throwing their weight into the scale either of the presbyterians or independents, of giving the predominance to the party with which they coalesced. All these circumstances gave an importance to the individual person of Charles, which we should scarcely have been prepared to look for, in a king stripped of his followers, a solitary prisoner in the hands of his victorious subjects.

Importance of the king.

Views of the two great parties in parliament.

We cannot arrive at a just judgment respecting the puzzled and entangled state of public affairs at this time, if we do not pause a little to enquire what it was that the two great parties in the parliament according to their respective views could do, or ought to do, under the circumstances in which they were placed.

Presbyterians desire monarchy, with their own system of church-government.

The presbyterians were attached to monarchy, and desirous to restore the king. It is not to be imagined however that they had the slightest thought of giving up the objects for which they had contended through four years of a now successful war. One of the principal of these objects was their own particular system of church-

government. It is not for the men of modern times to judge for them as to the value of this object. We may regard the difference between presbytery and episcopacy as not a sufficient motive to embark a country in a civil war. Not so Hollis, and Stapleton, and their followers. They were at the head of an important and numerous party, to whom the presbyterian system was a fixed and intelligible purpose. The propositions and the covenant therefore were to them an indispensible condition. They urged the king by every means they could devise, to consent with them in this. If they could gain his concurrence, they did not doubt, with that, and the support of the Scottish nation, to change their present minority in the parliament into a majority, to put down their opponents, and to settle the kingdom according to their own pleasure.

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Ideas of a regency.

If the king should prove unalterable in his opposition, they would then find themselves reduced to the necessity of proceeding without him, and of either substituting a regency, or laying him aside altogether, and transferring the crown to one of his sons [a].

Reasoning of the independents.

The independents on the contrary for the most part entertained a preference for a republican government. But they had a very nice game to play. The king, stripped as he was of his per-

[a] Baillie, Vol. II, p. 208, 214.

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sonal attendants and followers, was in this conjuncture a main point in the national contest. They thought, as the presbyterians did, that, if he could once be brought, in compliance with the importunity to which he was exposed in his present situation, to give up episcopacy, and thus plainly to combine with that party, it would be an arduous, if not a desperate attempt, for the independents to resist them. Upon the parliament in that case they could have no reliance. And it now began to be considered, whether the independents could make head with the support of the army alone. The character of the army, as has been seen, stood high. It contained (Fairfax's army in particular) a great portion of the most respectable part of the population of England. They had wealth and consideration. They were of the utmost bravery and discipline: seldom has the world seen a body of men more formidable, more irresistible. Their manners, with very few exceptions, were spotless and exemplary. They respected themselves; and their conduct was for the most part governed by the principles of humanity and justice. Their religion was sincere; their enthusiasm was ardent; they feared God, and gave admission to no other fear.

Esteem entertained for the army.

But the army, in their single and absolute character, was the last resource of the independents. Their leaders were much too consummate as statesmen, to give up any advantage they pos-

Independents court the king.

sessed. At present they had the ascendancy within the walls of the house of commons. It was therefore to them an object of the greatest moment, to prevail on the king to trust them, and to reject the propositions. If by any means they could succeed to have him on their side, they did not doubt to baffle the presbyterians, to defeat their hated intolerance, to proscribe their leaders, and hold the whole sect within salutary limits.

Consideration that attends him.

The aversion entertained by a part of the people of England for Charles, was such as it is difficult for us at this time to conceive. "There is such divinity doth hedge a king," says the poet, "that treason can but peep to what it would." There is but one such person in a whole community; he forms a full and perfect class by himself. In vain may reason and reflection teach us, that he is but a man, and that often neither the wisest nor the best in the body politic; we are the dupes of our senses. He is seldom seen, and seen surrounded by his guards and his courtiers. Beside which, though this is merely the result of social contrivance, he has great powers; he has much money to disburse, and many excellent gifts and emoluments at his disposal.

Rooted aversion with which the independents regard Charles.

But this brightness was to a considerable degree obscured in Charles. His opposers regarded him, with what truth may be judged from the perusal of the preceding narrative, as the proper author of the war. They understood, or

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at least they were animated with a fervent passion for, that political liberty to which he had an antipathy. Religion was to them a serious and momentous concern; and Charles was the determined supporter of all those corruptions which they deemed incompatible with true religion. Stripped of his secular power, he now seemed to take refuge in the obstinacy of a bigot. They regarded him as the pattern of ill faith, whom no promises could bind, and whose word was on no account to be believed. No public man ever abounded more in professions and protestations than Charles: but they were employed only to answer a purpose, and they were always clogged with a reserve and a secret qualification to render them nugatory. He sought on all sides for auxiliaries to put down the demands of his people, French, commanders who sold their services for pay, and the sanguinary barbarians of Ireland. All means were alike to him, provided they could be pressed into the sacred cause of despotism. And now, that he was a naked prisoner in the hands of his subjects, he was not less indefatigable to seek in every way how again to unfurl his standard, and revive the embers of civil war. These men thought therefore that he had broken all the bands that united him and the nation together, and had forfeited the crown. They believed there would be no safety for the public, so long as he in any way entered into conside-

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ration, or remained as a focus round which for the discontented to direct their machinations. We find therefore, so early as May in the present year, a part of the independents openly professing their judgment, that, as the grand delinquent, he should be made a memorable example, should be brought to trial, and be publicly executed in atonement of his offences against the welfare of the nation [b]. Others talked of shutting him up in perpetual imprisonment.

Propositions, the difficulties that attend them.

The propositions to be presented to the king as the foundation of a well-grounded and honourable peace, were at this time the object of general attention. It had already been settled that certain conditions were to be offered, not as subjects of discussion and debate, but which he was to be called on at once either to accept or reject. Great difficulties arose upon this scheme, and much time was consumed in the endeavour to obviate these difficulties. The propositions were to be presented in the name of the two nations of England and Scotland, and were to be authorised by the committee of both kingdoms. The basis of the conditions was to be taken from those previously offered at the treaty of Uxbridge. But the ruling party in the house of commons determined to alter some of these propositions; and the Scots' commissioners found much perplexity in

[b] Baillie, Vol. II, p. 209, 213, 225.

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this, as their parliament was not then sitting to sanction or debate the propositions. The difficulties were at length obviated, and the propositions presented to the king at Newcastle on the twenty-fourth of July [c].

Importunity of the Scots in their favour.

But, previously to the occurrence of this event, many obscure and secret cabals were entered into on the one side and the other, to effect the acceptance or rejection of the propositions. The most considerable of the Scottish leaders, the marquis of Argyle, passed from Newcastle to London in the month of June, and, after an absence of several weeks, returned to Newcastle again [d]. The duke of Hamilton, who had been relieved from his confinement at Pendennis in consequence of the surrender of that fortress to the parliament in April, joined Argyle in the metropolis, and these two noblemen cooperated in forwarding the dispatch of the propositions through that assembly [e]. Hamilton then hastened to Charles at Newcastle, and earnestly pressed him by every argument he could devise, to give a full and unqualified consent to these terms, as the only means for securing his safety [f]. He was at the same time importuned to adopt this measure, by addresses from the Scottish army, from the committee of estates at Edinburgh,

[c] Journals of Commons, Aug. 12.
[d] Guthry, p. 220, 223. [e] Ibid. p. 223.
[f] Burnet, Memoirs of Hamilton, p. 281.

and from the Scottish commissioners in London [g]. But all that could be urged to him, was urged in vain. He at length complied so far, as to express himself willing to yield the church for three years, and the military power for ten, at the expiration of which period both should be reestablished in their former course. He also demanded an act of oblivion [h].

Independents cabal to obtain their rejection.

If it were the object of the presbyterians to close as soon as possible with the king upon the terms that were offered him, for that very reason the independents were desirous to keep open the breach. They had but a precarious majority in the house of commons; and, if a coalition took place between Charles and their opponents, they would infallibly lose that advantage. Meanwhile, their principal reliance was on Fairfax's army, which was moulded almost completely to their mind. But, if peace ensued, the first measure adopted by the other party would be to disband the army, an army, which for virtue and energy the independents prized much above the house of commons.

Measures of Cromwel and Ireton.

The measures of the army and of the independents appear at this time to have been conducted principally by two distinguished officers, Cromwel and Ireton. Of Cromwel we have frequently had occasion to speak: he was one of the greatest

[g] id. p. 277. [h] Ibid. p. 282.

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1646. Character of Ireton.

geniuses of the times in which he lived. Ireton was scarcely a less remarkable man than Cromwel. They had entered the army at the same time, and a great intimacy had grown up between them. At the period at which we are now arrived, Ireton was thirty-six; Cromwel forty-seven. Ireton had been bred to the bar, and he was distinguished for the acuteness of his faculties. He made great use of his pen, and had meditated many reforms in legal proceedings, which he was extremely anxious to carry into effect. He appears early to have penetrated his mind with republican principles, to which the times in which he lived were peculiarly favourable [i]. When he took up the sword, he did not for that cease to be a speculator, or to cultivate habits of profound thinking. He was a man of the sternest integrity. Ludlow relates of him at a later period, that, when he heard of a bill brought into parliament in his absence, to settle upon him two thousand a year in land in his character of lord deputy of Ireland, he expressed his displeasure, and said, they had many just debts, which he wished they would pay, before they made such presents; that, for their land, he had no need of it, and therefore would not have it [k].

It is curious to trace the meeting and intercourse

[i] Whitlocke, June 16, 1647; Dec. 8, 1651. See above, Vol. I, p. 466.

[k] Ludlow, Vol. I, p. 371.

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1646. His ascendancy over Cromwel.

of such men as Ireton and Cromwel. It is said that from the first the former seemed to take some ascendancy over the latter[1]. Ireton was eleven years the younger. The faculties of Cromwel were more splendid, and calculated to make more figure on the theatre of the world. He had been the second, perhaps we might say the first man in the army, at the time of the new model, when Ireton was a simple captain of horse. Yet Cromwel felt the curb of his virtue and of the clearness of his spirit, and submitted. Ireton was a man of inflexible integrity, thinking of nothing but the cause in which he was engaged, and the advantage and improvement of his fellow-creatures. Cromwel was to this time probably perfectly sincere in his patriotism; and it was his virtue that enabled Ireton to take hold of him, and in many things to direct him. Cromwel was a man of noble and generous sentiments; but he was of a warmer and more sanguine temperament, more ardent in his religion, more accessible to the promptings of worldly ambition. He was in one respect such a man as Shakespear has painted Macbeth: he felt the purer mettle of his fellow-soldier, and entertained for him the sincerest reverence and awe. This stooping of a mind of the highest class to another, which in magnitude of spirit could scarcely be said to equal his own,

[1] Whitlocke, Dec. 8, 1651.

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and which yet is worthily submitted to, is one of the most beautiful spectacles that the globe of earth has to offer.—The immediate assistants of these men were St. John and Vane.

Ambiguity of their proceedings.

How were Cromwel and Ireton, the one a strenuous republican, the other deeply imbued with the same principles, to conduct themselves with Charles? Hypocrisy was of the essence of every thing they could effect. Yet Ireton was a man of stern integrity; and Cromwel had hitherto been remarked for his extraordinary frankness. . He had offended the Scots, by saying that their army had crossed the Tweed for no other purpose than to impose presbyterianism on the English, and that in that cause he would as soon draw his sword against them as against the king; and he had offended the earl of Manchester (at least so Manchester said), by affirming that it would never be well with England till the earl were called plain Mr. Montagu. But both Ireton and Cromwel persuaded themselves, that on the present occasion a certain degree of reserve, and even of deception, was necessary, to accomplish a people's safety, and effect the noblest ends.

Motives which impelled it.

This is one of the consequences of the institution of kingship. Frankness and an unalterable sincerity are republican virtues. Where one man is so far exalted over the heads of the community, there flattery and dissimulation will inevitably grow up. The king who wears the crown, will

to thousands be the theme of adulation; the exile who pretends to it, will be an object of importance. This was never more strikingly illustrated than in the conjuncture of which we treat. Charles, stripped as he was of the insignia of royalty, was the centre round which the cabals of party memorably exercised themselves. The presbyterians were satisfied that, if they could win him over to concur with them, they should surmount every obstacle to their views. In this situation should the independents do nothing? To expect it, is to expect what is not in the nature of man. Cromwel and Ireton resolved not thus to be defeated. They had fought for political and religious liberty. They abhorred the views, and they despised the persons of their antagonists. They believed that, if the presbyterians succeeded, a worse species of tyranny, and a more unmitigated and intolerable subjection would follow, than that which the leaders of the Long Parliament had conspired to prevent. They placed themselves in the gap, and resolved by whatever means to save the character and the fortune of their country.

Steadiness with which they prosecuted their design.

It is interesting to observe, when men of high talents and energies have determined to engage in any enterprise, how fully they perform the task they have chalked out for themselves. Ireton, a firm and rigid disciple of the republican school, Cromwel, the undaunted, of whom it was notorious

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that, whatever he dared to think, that also he dared to speak, had no sooner chosen their part, and determined to fight their adversaries with their own weapons, than they completely threw into shade the pigmy efforts of the presbyterians [m]. Having once sworn to deceive, the dimensions of their minds enabled them immediately to stand forth accomplished and entire adepts in the school of Machiavel. They were satisfied that the system they adopted was just; and they felt no jot of humiliation and self-abasement in the systematical pursuit of it.

Their intrigues.

One engine they are said to have employed in the execution of their purpose, was a clergyman, whose escape from imprisonment in the Tower they contrived, and whom they commissioned as their agent to the king at Newcastle. This clergyman is conjectured to have been Hudson [n], the same person who had assisted Charles in his flight from Oxford a few months before, and who two years afterwards lost his life fighting for the king in the second civil war [o]. He was adapted for their purpose, as being a devoted royalist, and particularly hostile to the presbyterian party. His instructions were to advise Charles by all means

[m] Col. Joseph Bamfield's Apologie, p. 16. This tract is noticed in Rushworth, Preface to Vol. VI. See also Echard. Burnet, Memoirs of Hamilton, p. 288.

[n] Rushworth, ibid.

[o] Rushworth, Vol. VII, p. 1145. Wood, Vol. II, p. 114.

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to reject the propositions, and throw himself upon the army, the leaders of which were in that case resolved to replace him in the full exercise of his regal authority, upon the simple conditions of liberty of conscience, and such a security for the military power of the state in their favour, as they should think it necessary to require. The same persons who had commissioned Hudson, brought over the marquis of Hertford, who was now in London, and several other of the king's most distinguished friends, to trust them, and to entertain the same views which they had infused into their agent. These persons accordingly furnished Hudson with letters, recommending to Charles to listen to the suggestions he had to offer [p].

The propositions presented.

On the twenty-third of July the earls of Pembroke and Suffolk, with sir Walter Earle, sir John Hippesley, Robert Goodwin and Luke Robinson, arrived at Newcastle, as commissioners from the two houses, to present the propositions to the king, and had their audience the next day [q]. Their instructions were to receive no answer from Charles short of an entire acceptance of the terms, and not to remain at Newcastle for a period longer than ten days [r]. The marquis of Argyle, and Loudon, chancellor of Scotland, attended the king at the same time, on the part of that kingdom,

[p] Bamfield, p. 16, 17, 18.

[q] Journals of Commons, Aug. 12.

[r] Ibid. July 7.

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1646. Speech of Loudon, the Scottish chancellor.

along with the English commissioners: and Loudon made a speech to him, in which, among other things, he plainly told Charles, that if, which might God forbid, he should refuse to assent to the propositions, he would lose all his friends in both houses, would lose the city, and all the country, that England would unite as one man, would proceed against, and depose him, and would set up another government, that they would call upon the Scots to deliver up his person to them, to surrender their garrisons, and withdraw their army, and that, in that case, both kingdoms would be constrained for their mutual safety to agree and settle religion and peace without him, which would prove the utter ruin of himself and his posterity [s].

The king's answer.

All these arguments were found insufficient to overcome the resistance of Charles. Whether it were the encouragement held out by the independents, his hopes of foreign succours, or an immoveable resolution to dare all consequences rather than yield, his final answer was even less conciliatory, than the thoughts he had expressed in return to the various petitioners who had addressed him previous to the arrival of the propositions [t]. He presented, and caused to be read to the commissioners, a written paper, in which he

[s] Rushworth, Vol. VI, p. 319, 320. Clarendon, Vol. III, p. 36.

[t] See page 199.

alleged, that the propositions implied in them so great alterations both in church and state, as made it very difficult to return a particular and positive answer, without necessary explanations and a full debate. He therefore desired and proposed, that he should come to London, or to any of his houses in its neighbourhood, upon the public faith and security of the two houses of parliament and the Scots' commissioners, that he might have his doubts cleared and difficulties explained, and that he might make known to the parliament such his reasonable demands, as he was well assured would most conduce to an auspicious and permanent compounding of all differences [u].

[u] Rushworth, p. 320, 321. Charles, Works; Messages, No. 25.

CHAPTER IV.

EFFECT OF THE KING'S REJECTION OF THE PROPOSITIONS.—IS IN MANY REPORTS DIFFERENT FROM WHAT HAD BEEN APPREHENDED.—NEGOCIATIONS BETWEEN THE PARLIAMENT AND THE SCOTS.—DEATH OF ESSEX.—SCOTTISH PARLIAMENT UNFAVOURABLE TO THE KING.—ADVANTAGE GAINED BY THE PRESBYTERIANS OVER THE INDEPENDENTS.

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1646. Effects of the king's rejection of the propositions.

THE commissioners of parliament arrived in London with the king's answer on the tenth of August, which, as not being comformable to the instructions they had received, was not permitted to be read to the house of commons by their clerk [a].

Triumph of the independents.

The refusal thus conveyed from the captive monarch had a memorable effect. When the thanks of the house of commons were voted to the commissioners for the way in which they had conducted themselves, one of the independent

[a] Journals, Aug. 12.

party asked, Nay, are not our thanks rather due to the king, who has rejected our offers [b]?

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The twelfth of August was the day of a stormy debate. It was moved, that no more addresses should be made to the king, that his person should be demanded, and that Fairfax's army should march into the north to inforce the application [c].

Extremities suggested by them.

"We know not at what hour," says Baillie, in his letters written to the moment [d], "they will close their doors, and declare the king fallen from his throne."

The Scots' commissioners in London had foreseen this crisis; and they exerted themselves to avert its effects. Argyle, Loudon and Dumferline had come up with the commissioners of the parliament [e]. A paper was put in on the part of Scotland the same day that they made their report, expressing the entire willingness of the government there, to surrender the garrisons they held in England, and to withdraw their army; desiring at the same time that reasonable satisfaction might be given for the arrears due to them, and that a competent portion of these arrears might be paid them previously to disbanding [f]. It was therefore resolved by the house of lords,

Remedies proposed by the Scots.

[b] Burnet, Memoirs of Hamilton, p. 283.

[c] Ibid. Baillie, Vol. II, p. 226. Hollis says, § 58, the movers of these questions were Haselrig, Marten, and sir Henry Mildmay.

[d] Vol. II, p. 225. [e] Guthry, p. 227.

[f] Journals of Lords, Aug. 12.

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that some way should be devised to express their thankfulness to the Scots for their affection and fair carriage in the business; and a conference was proposed with the commons for that end[g]. Thus the immediate evil was prevented.

Reaction of the moderate party in parliament.

The presbyterians, as we have seen, were bent with singular earnestness upon the king's being prevailed on to accept the propositions; and they felt terrified by anticipation at the consequences that might result from a refusal. The event however turned out in many respects different from what had been apprehended. The triumphant tone and the vehemence of a powerful party in the house of commons, operated in some measure in favour of Charles. The public was not prepared for the extremity of throwing off the king, and declaring him an enemy. They desired to see a further experiment tried; they were unwilling that a nation's welfare should be committed to untried ways and a voyage unexplored; and they revolted at the idea of an abrupt and open breach with the Scots, who had been engaged with them in the same cause, and had fought the same battle.

Measures immediately necessary.

Two measures were judged now to be specially necessary, the retreat of the Scottish army into their own country, and the surrender that was required from them of the person of the king into the power of the parliament. These were steps

[g] Ibid.

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that all parties implicated in the war against Charles, considered as urgent; and the presbyterians, from the good understanding which had at all times subsisted between them and the Scots, were particularly qualified to negociate these points successfully. From these causes some members of the house of commons fell off at this time from the independents to the presbyterians; and, as new members had in several instances been sent up from places which had most zealously adhered to the king, these conceived they could not for the present do better service to their master, than by reinforcing with their numbers the votes of the presbyterians.

Presbyterians best qualified to accomplish them.

On the nineteenth of May, when the independents had carried the vote, that this kingdom had no further use for the Scots' army continuing within the territory of England, they added two further propositions; first, that one hundred thousand pounds should be paid for the use of this army, fifty thousand upon the delivery of the garrisons, and the remaining fifty when they should have retreated into the borders of Scotland: to which they subjoined, secondly, a desire, that the Scots' commissioners would send in to the house of commons an account of the arrears of their army, in which case the amount that was found due to them should be discharged according to treaty [h].

One hundred thousand pounds voted to the Scots' army.

[h] Journals.

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1646. Amendment by the presbyterians.

The presbyterians in parliament, assisted by Loudon and Argyle, who had come to London for this purpose, now undertook to conduct the affair to an efficacious conclusion. On the fourteenth of August they proposed and carried a resolution that one hundred thousand pounds should be forthwith paid to the Scots upon their marching. At the same time they demanded from the Scots' commissioners, as their opponents had done before, an account of the arrears due[i]. Four days after, this account was rendered, by which the Scots represented their gross demand as about two millions sterling, this amount being reduced, according to the Scots, by an in part payment of seven hundred thousand pounds, and according to the English, of fourteen hundred. The commissioners however expressed their willingness, in consideration of the necessities of the kingdom, and the state of Ireland, to accept the sum of five hundred thousand pounds, two hundred in immediate payment, and the remainder within a year, in liquidation of their entire demands[k].

Demands of the Scots.

Two hundred thousand pounds voted.

This statement formed the basis of a question, upon which the two great parties in the house of commons respectively tried their strength. Two days after its being produced, a long and earnest debate took place on the subject, the issue of which was that it was voted, without a division, that two hundred thousand pounds should be

[i] Ibid. [k] Ibid. Aug. 19.

paid to the Scots, one hundred in the following month, and the remainder in three and nine months respectively, after the first payment[l]. In the following week it was moved by the presbyterians that a further sum of two hundred thousand pounds should be granted to the Scots in discharge of all demands; but the independents carried it for half that amount, by a majority of 108 to 101[m]. Upon the representation of the Scots' commissioners, the presbyterians however once more returned to the contest; and the whole sum was raised to four hundred thousand pounds, by a majority of 140 to 101[n]. The point was debated over again four days later, and carried by the presbyterians, 112 to 102[o].

A further sum granted.

Such was the battle, which was thus in some degree gained, notwithstanding many unfavourable circumstances, by the friends of a limited monarchy against the republicans. Their plan was already fully digested: they purposed, with all expedition to remove the Scottish army out of the kingdom of England, to possess themselves of the person of Charles, and to new model the army

Projects of the presbyterians.

[l] Ibid. Aug. 21. Rushworth, Vol. VI, p. 326.

[m] Journals of Commons, Aug. 27. [n] Ibid. Sep. 1.

[o] Ibid. Sep. 5. Burnet speaks of a "treaty that passed under the great seal, the first article of which declared, that nothing relating to the king's person was concluded by this treaty." Memoirs of Hamilton, p. 294. But there is no such article in the treaty recited, Journals of Commons, Jan. 1, 1647.

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at home in the way most advantageous to their party, as it had been new modelled by their opponents in the commencement of the preceding year [p]. The first check they received in the prosecution of these decisive measures arose from the sudden death of the earl of Essex on the fourteenth of September, in the fifty-sixth year of his age. Him they had purposed to reinstate at the head of the army: and a man more excellently adapted to their views could not have been found. He was of high nobility, and extensive connections; his manners were eminently popular, and he had filled a great and arduous career almost without a blemish. Nearly all men were his friends; nor had he throughout the kingdom one personal enemy. The loss of such a man at such a time was a great blow to his party.

Death of Essex.

New commissioners sent from the Scottish government to the king.

The more the presbyterians were gaining the ascendancy, the more eager they were, that the king should come into their terms, and thus place their triumph on the securest basis. When Argyle, Loudon and Dumferline left Newcastle for London, the duke of Hamilton, and the earls of Lanerick and Crawford took leave of the king, and set out for Edinburgh. The professed object, at least of the two former of these, was to endea-

[p] Clarendon, Vol. III, p. 42. Clement Walker, p. 13. I quote him as good authority against his own party.

vour to influence the government of Scotland in favour of Charles [q]. Their interference however appears to have been attended with no other result, than the appointment of a commission of nine persons, three from each of the three estates, with Hamilton at their head, to expostulate further with the king, and prevail on him to sign the propositions. The commissioners arrived at Newcastle in the beginning of September; but their importunities were wholly ineffective [r]. Hamilton was so afflicted with this issue, which he plainly saw would prove most disastrous to the king, that he requested his permission to retire out of Britain. But this Charles refused [s].

Charles confers offices and titles of peerage.

It is not without some degree of pity that we see Charles, in the eminently perilous situation in which he was now placed, amusing himself with the distribution of titles and offices [t]. In August and the following months he created five new Scottish earls, William Murray, earl of Dysart, Patrick Maule, earl of Panmure, William Douglas, earl of Selkirk, James Maxwel, earl of Dirleton, and John Hay, earl of Tweeddale [u].

Vote concerning the king's person.

The next question that came to be gravely considered in parliament was that concerning the

[q] Guthry, p 228, 229. Burnet, Memoirs of Hamilton, p. 284.

[r] Guthry, p. 230. Burnet, p. 285. Rushworth, Vol. VI, p. 327.

[s] Burnet, Memoirs of Hamilton, p. 289, 290.

[t] Baillie, Vol. II, p. 224, 226. Guthry, p. 233.

[u] Peerages of Scotland, by Crawfurd, and Douglas.

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disposal of the king's person. All parties in England had, from the hour of his taking refuge in the Scots' army, felt the impropriety of his being under the protection of a separate and independent authority, and entertained a jealousy of the advantage the Scots might take of this circumstance. The English presbyterians had now assumed the management of this business; and on the eighteenth of September it was voted by the house of commons that the person of the king should be disposed of as the two houses might think fit[u]. Four days after, this vote received the concurrence of the house of lords[u].

Conferences of the Scots' commissioners with a deputation of parliament on the subject.

The Scottish commissioners now in London desired a conference with a deputation of the two houses on the subject, in which they might offer their remarks and objections to this vote. There are three speeches extant of Loudon, the Scottish chancellor, delivered at so many conferences of these parties, from the first to the tenth of October[x]. In these he vehemently insists that the king's person cannot be disposed of but by the joint consent of both kingdoms. He admits, that there would be considerable danger arising from Charles's passing into Scotland, where the hostile royalists were not yet wholly suppressed, and Ireland lay so near for an invasion from that country. But he earnestly presses that the king

Their proposal.

[u] Journals. [x] Rushworth, Vol. VI, p. 329, *et seqq.*

should be invited to come to London, or to any of his houses in the neighbourhood of the metropolis, there to reside in all honour, freedom and safety; and he inforces the proposal from the consideration, that this was the thing that Charles expressly desired, he affirming that such a proceeding would greatly facilitate the amicable discussion of the propositions, and ultimately terminate in a cordial good understanding between himself and his people.—The papers and speeches of the Scottish commissioners were sent to the press under their direction, which, as exhibiting an *ex parte* statement on the subject, excited the resentment of the house of commons [y].

Meeting of the Scots' parliament.

In this important crisis the Scots' parliament, which met on the third of November, remained several weeks without entering upon any very important question [z]. This interval was spent principally, by Hamilton and his brother Lanerick, in endeavouring by every argument and inducement in their power to bend the inflexibility of the king. Many letters passed between them and their royal master, but to no purpose. He communicated to them the draft of two messages to the two houses of the English parliament [a]; but

[y] Journals, Oct. 14, 15, 16.

[z] Guthry, p. 234. Burnet, p. 294.

[a] The first is to be found in Burnet, p. 299. The second in Charles's Works; Messages, No. 26.

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Lanerick complained, that the present messages in several particulars came short of those which had preceded [b]; and Charles conjured him, "for God's sake not to expect any thing further from him; for, upon the faith of a Christian, you shall have no more than is now laid before you [c]."

Resolution in favour of the king.

At length, on the sixteenth of December the grand committee of the whole parliament, by the dexterity of the Hamiltons, was prevailed on to vote a resolution to maintain monarchical government in the king's person and posterity, and his just title to the crown of England. But this vote seems to have been obtained by surprise; and on the next day it was rescinded, and a declaration issued, that the kingdom of Scotland could not lawfully engage themselves on the king's side even if he were deposed in England, he not taking the covenant, and giving a satisfactory answer to the whole of the propositions. The declaration further added, that Charles would not be admitted to come into Scotland, and, even if he were there, that his royal functions would be suspended, and his person be at least put under restraint, even if he were not delivered up to the parliament of England [d].

It is rescinded.

Independents lose ground in the house of commons.

Here we have a striking illustration of the uncertainty and versatility of human affairs. Cromwel, Ireton, St. John and Vane were four of the

[b] Burnet, p. 302. [c] Ibid. p. 298.
[d] Ibid. p. 306. Rushworth, Vol. VI, p. 390, 392.

ablest statesmen that ever figured upon the theatre of any nation. They were engaged to the measures they undertook by the strongest motives that could animate and excite the heart of man. They, and they only, had been principally concerned in conducting an arduous war to a successful termination. Other men had felt deeply and fought nobly; but it was they, who created the army by which the victory was secured. Finding their influence not sufficiently triumphant in the house of commons, they had recurred to the admirable expedient of setting on foot new elections for those places in England, which, in the lapse of years, and by the events of a civil war, were found unrepresented; and this measure had for a time answered every purpose to them that their fondest wishes could have anticipated. Their adversaries were men of ordinary capacities: Hollis and sir Philip Stapleton, the nominal leaders of the presbyterians, would probably never have been heard of in history, had they lived in a more tranquil period[e].

[e] This is not the exactly correct statement. Many men of the most consummate intellect have doubtless passed away from the stage of life unknown and unheard of, because no combination of favourable circumstances occurred to unfold and give the required impulse to their talents.

Great Julius, on the mountains bred,
A flock perhaps or herd had led;
He that the world subdued, had been
But the best wrestler on the green.

Such would be instances of genuine power consigned to the

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1646. Causes of their defeat.

Yet all these advantages possessed by the heads of the independent party, proved fleeting and illusory. The very circumstance of the great success and superlative talents of these men, had a tendency to render them objects of jealousy to coarse and vulgar minds. Hollis says,[f] "Though the greater part of the new members came into the house with as much prejudice as possible against us, yet, when they came to sit there themselves, and see with their own eyes the carriage of things, this made them change their minds, and many of them to confess and acknowledge that they had been abused." Such is the almost unavoidable course of things in modern times, and among what is called a sober people. The men of the last four centuries in civilised Europe have been found capable of being strongly excited, and susceptible of a tone of fervour and enthusiasm. But this is to them an unnatural state, and they speedily subside into their constitutional quietude. There are but few of us that can even image to ourselves an excitement and elevation that, as in the instances of Greece and Rome, lasted for

shades of obscurity. What is to be understood of Hollis and Stapleton, is of a different nature. They were men essentially vulgar, whom a ray of adventitious brightness has clothed with fallacious splendour. The real history of man, if viewed with an eye of sufficient information and discernment, would be found crowded with examples of these opposite destinies.

[f] § 46.

centuries. Talk to the men of later times of sobriety and moderation, and they will soon shew that they prefer that lore, to the sublimer style of heroism and virtue, of self-sacrifice and expansive affections. We are sons of the fog and the mist. The damp and flagging element in which we breathe, becomes part of ourselves: we turn speculative men and calculators: timorous prudence and low circumspection fix their stamp on all we do. Our "charity begins at home," and fixes its attention emphatically on our own interests, or our own fire-sides. We dare not mount, at least from the impulse of feeling, into an etherial region, lest we should break our necks with the fall. To men formed in this mould, the representations of such persons as Hollis and Stapleton, "the moderate party[g]," as they loved to denominate themselves, are almost sure to prove irresistible.

Qualities necessary in those who would reform a state.

It must be confessed that in ordinary instances those who profess to depart from common rules are men of little perseverance and consistency, have the wish to fly, but not the strength to soar; and bare common sense would teach us not to unite ourselves to their efforts, or trust to their guidance. But, when we meet with men, whose contemplations are not more elevated and bold, than their vein of thinking is earnest, consecutive

[g] Ibid.

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and profound, the case is different. The mass of mankind however are seldom capable of making this distinction. They condemn indiscriminately every thing that is daring and out of the common course, without observing the difference of means in the one case and the other, and the consequent probabilities of miscarriage or success.

Injurious operation of the secret royalists.

It was not however the logic, the moderation, and the plausible representations of Hollis and his coadjutors alone, that effected this wonderful revolution in the house of commons. New members, as we have seen, were sent up from various parts of the country which had been most in the king's interests; and these were secretly devoted to the royal cause. Animated with equal abhorrence to both the parties that had originated and conducted the hostile opposition to Charles, they perhaps felt most contempt for the coldness and formality of the presbyterian faction; but an impression of terror most characterised their sentiments towards the independent. Thus in fighting the two parties against each other, they gave their support for the most part to the former, thinking that by this means they should avoid the worst evils, and prevent the most alarming consequences. In the opposition therefore at this time arrayed against the republicans, there was no true concurrence of sentiment, though there was much firmness of cooperation. One set of men took this side of the question from partiality to a par-

ticular form of church-government, and the horror they entertained of the mischiefs of toleration. A second set was influenced by the love of old institutions, and the terror of innovation. And still a third set was guided by motives they did not think it expedient to avow, and had it at heart by indirect measures to effect the restoration of royalty in its full extent of prerogative and power.

Perseverance and spirit of the independents.

The great leaders of the independent party were no doubt not a little surprised and confounded at the reverse of fortune that befel them. They had committed no error, unless the elevation of their aims is to be imputed to them for such. They knew much of the character of their age. The religious enthusiasm and the solemn tone of thinking that pervaded it, were greatly in their favour. Four years of civil war had wrought a wonderful change in the community. The character of the king and of monarchy had sunk to the lowest ebb. His insincerity and ill faith were almost universally acknowledged; they were virtually confessed by himself[h]; his character in this respect was scarcely defended by the most implicit of his partisans. Every person of reflection of every party in the parliament admitted that he

[h] He says, in a letter to Lanerick, 4 December, "I will in that case make what declarations I shall be desired against the independents, and that really, without any reserve or equivocation." Burnet, p. 298.

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was a man that could in no respect be trusted. The independents had moreover a large body of adherents, nay, for more than twelve months a majority, in the house of commons in their favour. But what they most of all relied on was the character of the army, which has already been described. They were therefore perplexed, but not in despair; they were cast down, but by no means destroyed. They did not, for their late memorable defeat, "abate one jot of heart or hope[i]."

[i] Milton, Sonnet 22.

CHAPTER V.

CHARLES ATTEMPTS TO ESCAPE FROM NEWCASTLE.—FORCES UNDER MASSEY DISBANDED.—DISSENTIONS OF THE TWO HOUSES.—COMMISSIONERS OF THE GREAT SEAL.—ORDINANCE OF PRESBYTERIAN CHURCH-GOVERNMENT.—ORDINANCE OF PROVINCIAL COMMISSIONERS.—QUESTIONS ON THE SUBJECT OF *JUS DIVINUM*.—ORDINANCE OF PROVINCIAL COMMISSIONERS REPEALED.—PRESBYTERIAN CHURCH-GOVERNMENT CARRIED INTO EXECUTION.

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1646. Charles attempts to escape from Newcastle.

CHARLES, being grievously disappointed with the manner of his reception in the Scottish army, had no sooner effected his escape from Oxford, than he meditated a second escape from Newcastle to the continent[a]. But now, that he found the snares of captivity fast closing around him, and had reason to expect that he should be delivered up by the Scots, to whom he had come in a certain degree by his free choice, into the hands of his English subjects, he entered with increasing anxiety into the details how his withdrawing might most successfully be accomplished. For

[a] Clarendon, Vol. III, p. 15.

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this purpose he cast his eyes on William Murray, a confidential servant, who had still been permitted to attend him. This man was assisted in his project by sir Robert Murray, afterwards first president of the Royal Society, a person eminent for his attainments in natural philosophy, and who was universally loved and admired by men of all parties [b]. William Murray himself had been whipping-boy to Charles the First [a boy educated with a prince, and who, when the prince did amiss, was whipped in his stead] and had always retained a considerable hold on his master's affections [c]. He was one of the persons upon whom at this time Charles conferred the title of earl. Sir Robert was also at Newcastle, and willingly cooperated in the undertaking [d]. It failed however; and principally, as it should seem, from the king's irresolution. Charles had put on a disguise, and gone down the back-stairs; but, judging it scarcely possible to pass through the guards undiscovered, and that it would be "hugely indecent to be caught in such a condition," he gave up the design, and went back to his chamber [e]. This project by some means came to be known, and was used as a ground for the king's being put under a stricter restraint,

[b] Burnet, Own Time, Book I. [c] Ibid.
[d] Journals of Lords, Jan. 11, 1647.
[e] Burnet, Memoirs of Hamilton, p. 307.

guards, according to a well informed writer, being placed at his chamber-door, both without and within[f]. Burnet adds, that, when Charles received the account that the Scots' parliament had resolved to abandon him, he took no notice of it to those about him, but continued a game of chess at which he was engaged, and appeared as cheerful as before[g]. 1646.

State of Ireland taken into consideration.

One of the objects which at this time most loudly demanded the interference of parliament was the state of Ireland. Involved as they had been for several years in the most perplexing and critical situation at home, they had had little leisure and less power to exert themselves effectually in that country. In several instances they had sent over deputies from their own body to collect information there, and to give such encouragement as they were able, to persons disposed to adhere to their standard. The chief example of this sort was the earl of Inchiquin, who, having been wantonly affronted by the king, declared for the parliament in 1644. In July 1645 a committee for Irish affairs was nominated, and in the beginning of the present year viscount Lisle was constituted lord lieutenant of the kingdom. But

[f] Guthry, p. 228. This author subjoins the circumstance, which has been introduced by historians at a later period, that, "having an antipathy to tobacco, he was much perplexed by reason of their continual smoking by him."

[g] Memoirs of Hamilton, *ubi supra*.

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little money and no troops had hitherto been sent to that country.

Massey's troops ordered to be disbanded.

On the twenty-eighth of April it was ordered by the lords and commons who were of the committee of both kingdoms, that the lord lieutenant should have power to raise certain forces for the service of Ireland, and to give commissions to the officers of these forces; and this order received the sanction of the two houses [h]. A few days later, it was voted by the commons that the horse under Massey, general of the army of the West, should be reduced, as many of them as Fairfax did not think fit to enrol in his army being to be assigned to the enterprise of Ireland [i]. In June a general order was given for Massey's horse and foot, that as many as were thought fit for that purpose should be employed for the service of Ireland, and the rest be disbanded [k]. A similar vote, so far as Ireland was concerned, was passed at the same time respecting several minor divisions of the army. The house of lords rejected so much of this vote as related to the troops under Massey [l].

Draft proposed from those of Fairfax:

On the last day of July it was expressly moved in the house of commons, that four regiments of foot and two of horse from the army of Fairfax should be forthwith sent for the relief of Ireland.

[h] Journals of Lords, April 28. of Commons, May 2.

[i] Journals of Commons, May 6.

[k] Ibid. June 15.

[l] Journals of Lords, June 17.

This was the great point with the presbyterians, whose hearts were more earnestly set upon the breaking this army, than upon any other measure, military or civil. The question was carried in the negative upon a division, 91 to 90 [m]. This determination was immediately followed by a close scrutiny into the various detachments and garrisons to be found on this side the Humber, and an enquiry as to the number of horse and foot it might be practicable to draw off for the Irish expedition [n]. In the mean time complaints were brought in of the want of discipline prevailing in Massey's army, and the excesses committed by them; and this was used as a ground for proceeding summarily to disband that body of forces [o]. An apprehension was however entertained that the order for that purpose would meet with resistance; and Ludlow and Allen, members for the county of Wilts, in which they were quartered, who were commissioned to see the order carried into execution, deemed it a matter of prudence to wait on Fairfax on the road, and prevail with him and Ireton to draw near to the quarters of Massey's army with two regiments of horse [p].

and from the army of Poyntz.

Disbanding of Massey's army effected.

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[m] Journals.

[n] Ibid. Aug. 4, 14.

[o] Ibid. Aug. 6. Whitlocke, Aug. 5.

[p] Ludlow, p. 181. Allen was not member for Wilts, but for Cockermouth in Cumberland. Ludlow, though a man of great integrity, wrote many years after the event, and from memory only; he is not therefore to be relied on for minute particulars. I find

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The house of lords immediately received information of this proceeding [q]; and they dispatched a letter to Fairfax, reminding him that forces raised by ordinance of the two houses of parliament could not be disbanded without the order of both houses [r]. The measure however was executed with that promptitude which distinguished all the operations of this army: and a letter of Fairfax appears on the Journals of the Lords, but without date of time or place [s], in which he says, that the house of commons had decided that the forces directed to be disbanded did not fall within the description excepted to by the lords [t], adding that he had proceeded with the assistance of a committee of the house of commons, and with directions both from that house, and from the committee of lords and commons for the safety of the West, and that much of the money appropriated for the disbanding had been issued out, before the arrival of their letter of objection. The disbanding was effected without disturbance; a few of the men enlisted for Ireland, and the rest departed to their respective homes [u].

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in the Journals, in addition to these persons, the names of Mr. John Browne, colonel Alexander Popham, and colonel Robert Blake, as sent down to assist in the disbanding. Journals, Oct. 3.

[q] Journals, Oct. 14.

[r] Ibid. Oct. 16.

[s] Ibid. Oct. 23.

[t] Journals of Commons, Oct. 17.

[u] Whitlocke, Oct. 22.

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1646.

Dissentions of the two houses.

During the course of the year the majorities of the houses of lords and commons differed from each other upon almost every political topic; and it was only by the reluctant and ungracious yielding of the former that public business was at all enabled to proceed. The house of lords was almost wholly presbyterian; the independent was the prevailing party in the commons.

Offence given to the lords by sir John Evelyn.

One of the earliest examples of this clash of opinions, was when the house of commons resolved, immediately on receiving intelligence that the king was in the Scots' army, that the person of Charles should be disposed of to such place as the parliament should appoint. This vote was rejected by the lords[w], and a conference on the subject was demanded and granted between the two houses. Among other things that occurred at this conference, sir John Evelyn took occasion to state how much the commons conceived themselves concerned in honour to have this vote passed. They hoped therefore that the lords would not fail to bear their part in the demand of the king's person. The commons would be very unwilling to be necessitated to do this without them. Yet, if the lords should not think fit to agree, they could not on that account recede from what they had undertaken, it being a matter in which the parliament and kingdom were so much inter-

[w] See above, p. 146.

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ested [x]. The lords voted, that the words spoken by sir John Evelyn were against the course and proceedings of parliament, and accordingly demanded reparation [y]. The commons on the other hand alleged, that their delegate, in delivering the words recited, had done nothing but his duty, and that they did not imply such a separation and acting without the lords, as that house had ascribed to them [z]. The lords did not finally concur in the vote concerning the king's person till the twenty-second of September, and then not till after much debate, and a division, in which the numbers were at first equal, eleven to eleven [a].

Protracted nature of the struggle.

Though the presbyterian party seemed to have gained a great victory over the independents early in September on the question of the money to be paid to the Scots, yet this was by no means decisive and complete: and during the remainder of the year the struggle proceeded, with great efforts on the one side and the other, and with various success. In the vote that was given in the affair of this money, it was not carried by the mere strength of the presbyterians: many of the independents united with them, thinking that any thing was better than an open rupture with the Scots, and the committing the nation once more to the issue of a war.

[x] Journals of Lords, May 13.
[y] Ibid. May 14.
[z] Journals of Commons, May 16.
[a] Journals.

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1646.

Shews itself in the appointment of commissioners of the great seal.

One subject, upon which party dissention exercised itself in public affairs, which must not be passed unnoticed, was the custody of the great seal. This function had been confided by ordinance, in November 1643, to two lords and four commoners [b]. The delegation had been without limitation of time; and the six commissioners continued to hold their office unquestioned, till May 1645. There was then a resolution voted by both houses, that this trust should remain in the same persons till the end of June [c]. The like vote was repeated at several intervals, for the most part for a period of six months, till the first of September 1646. At that season, which was precisely the day on which the resolution for the 400,000*l.* for the Scots was voted, it was moved in the house of commons by the independents, that the present commissioners should be continued till the twentieth of December following, and it was carried against them on a motion of amendment that the continuance should be for one month only [d]. The variations in sentiment on this question were not confined to the house of commons. The other house, which was almost wholly presbyterian, not satisfied with the amendment already carried in the commons, voted that henceforth the holders of the seal should be mem-

[b] See Vol. I, p. 199.

[c] Journals, May 12.

[d] Journals.

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bers of neither house of parliament, and named four persons, sir John Bramston, and sir Nathaniel
1646. Brent, with serjeants Green and Turner to the office [e]. They sent down an ordinance to this effect to the house of commons. In the commons it was debated whether the commissioners should or should not be members of parliament; and it was carried on a division against the independents, to agree on this point with the house of lords [f]. In the next question the independents were more successful. The names of the four commissioners appointed by the lords were struck out of the bill, and those of sir Rowland Wandesford, sir Thomas Beddingfield, and the celebrated Bradshaw substituted in their room [g]. The appointment was for six months. The lords offered to compromise the matter, by joining their own four, and these three, together [h]. The commons had fixed upon unexceptionable names. Bradshaw was at this time universally regarded as a man of sound understanding, a powerful pleader, and an excellent lawyer [i]. The offered

Bradshaw proposed.

[e] Journals of Lords, Sep. 3.

[f] Journals of Commons, Oct. 1, 8.

[g] Ibid. Oct. 8. [h] Journals of Lords, Oct. 16.

[i] Clarendon speaks of him two years afterwards, as "one Bradshaw, a lawyer of Gray's Inn, not much known in Westminster Hall, though of good practice in his chamber, and much employed by the factious." When he was first brought forward in the end of 1648, the noble historian adds, "This sudden exaltation and

compromise however was rejected by the commons; and, immediately after, it was carried in that house by the independents on a division, that the proviso disabling members of parliament from being commissioners of the great seal should be revoked. The commons then directed that an ordinance should be brought in, reappointing the former commissioners till the first of March following [k]. The lords rejected this ordinance [l]; and the dispute was finally terminated, by the two houses agreeing to commit the custody of the seal to the speakers of each house conjunctively [m].

change of condition could not but make a great impression upon a vulgar spirit, accustomed to no excesses, and acquainted only with a very moderate fortune." Vol. III, p. 245, 246. For his real character, see Milton, Ludlow, Whitlocke, &c. See above, p. 78, 79.

It may be as well to mention here, that on the twentieth of March 1647, patents were issued by the clerk of the crown in chancery for the following eight persons to be justices of the four circuits in Wales: John Bradshaw, chief justice of Chester, with Peter Warburton: John Eltonhead, with John Parker: Richard Keble, with William Littleton: and William Powel, with John Clerke. These persons, pursuant to an ordinance of parliament authorising it, were named as proper for the situation, by the commissioners of the great seal, that is, as things now stood, by Manchester and Lenthal, the speakers of the two houses. On the first of May following, John Godbolt was by like patent constituted a judge of common pleas. Docquet Book of the Crown-office in Chancery, deposited in the office of the Rolls.

[k] Journals of Commons, Oct. 20.

[l] Journals of Lords, Oct. 21.

[m] Journals, Oct. 30.

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1646. Occasional compromise of parties.

We are told that, at this critical period, the leaders of the two parties in the house of commons occasionally entered into a secret understanding, the presbyterians moving an independent amendment, and the independents one that really emanated from the presbyterians, by this expedient preventing the public business from being wholly interrupted [n]. It is not to be doubted that the nomination of Bradshaw, just mentioned, was carried in this manner. The same author observes, that it was rare at this time to have a question carried on a division by more than eight or ten voices.

Ordinance of presbyterian church-government.

But there was no subject that was attended with greater impediments and difficulties, than the establishment of the presbyterian system of church-government through the commonwealth of England. The independents, as has formerly been observed, were contented that presbytery should nominally at least be set up by law for the whole kingdom: but they were disposed to clog it with such restrictions, as were least of all palatable to the leaders of the Scottish nation, and to the adherents of their tenets and sentiments in the southern part of the island.

1645. Dissatisfaction with which it is received.

The first ordinance that was made for erecting the new system of church-government, was passed into a law on the nineteenth of August 1645.

[n] Clement Walker, p. 2.

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1645.

This was at the time that the independents were most triumphant in the house of commons. Accordingly their opponents were greatly dissatisfied with its provisions, and complained that, while it professed to establish the requisite chain of ecclesiastical assemblies, it gave them very little of that power which was necessary for the sound government of the church[o].

Its character and provisions.

The directions of the law were, that in the several counties certain persons, ministers and others, should be appointed by authority of parliament, to consider how each county might be most conveniently divided into classical presbyteries, and what ministers and others were fit to be of each classis, the divisions, and persons named for each division, being to be reported to the parliament for their approbation: these classes were further authorised to constitute congregations, or as they phrased it congregational elderships, each within its respective district. The final purpose was to originate a succession of religious deliberative assemblies, congregational, classical, provincial, and national. The congregational assembly was directed to meet once a week, or oftener if occasion served, the classical once a month, the provincial once in six months, and the national when and for as long a time as the parliament should order, and not otherwise. The

[o] Baillie, Vol. II, p. 161, 162.

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provincial assembly was to be constituted of members deputed from the several classes, in such a manner that the members of this assembly should be more in number than those of any classical assembly within that province, and that there should be always two lay elders for one minister deputed to its sittings. The national assembly was in like manner to consist of members deputed from the several provinces, in the same proportion of laymen to clergy. The same ordinance provided for the election of the lay elders by the members of the respective congregations. The functions of these assemblies were no otherwise defined by this law, than by saying, that all parishes and places whatsoever were to be subjected to the government of congregational, classical, provincial and national assemblies [p].

[p] Journals of Lords, Aug. 19, 1645. This ordinance appears to have embraced a variety of objects. Its first purpose seems to have been to organize a presbyterian church-government within the province or diocese of London. Secondly, it directed that the elections of elders in all the congregations throughout England should be liable to the judgment, upon appeal, of a committee of ministers and others, called triers, to be appointed by authority of parliament. See above, p. 66. And, thirdly, it instituted a scale of presbyterian church-government for the whole kingdom, under the regulations above recited.—The same ordinance, with omissions and additions, occurs in Journals of Lords, under the date of 29 August 1648: also in Scobel's Collection of Acts and Ordinances.

Hume, Chapter LVIII, appears not to have consulted the or-

1645.

Checks provided in it against usurpation and abuse.

The power of these authorities was likely to be formidable, and their government rigorous; and there is something calculated to alarm and terrify in the regular gradation, constituting them one strong and compact body. But this was skilfully qualified by the part assigned to the parliament in forming the classical assembly, and the reserve implied in the provision that the national assembly should not meet but as summoned by the legislature. The congregational assembly had not assigned to it by this ordinance any power whatever in creating the classical assembly [q]. All these circumstances contributed to render the regulations exceedingly unpalatable to the English presbyterians, and to the members of

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dinance, and strangely says, that the congregational and classical assemblies were constituted of a mixture of clergy and laity, but that the provincial and national assemblies were of clergy only. To this statement he subjoins the remark, that "it is probable the tyranny exercised by the Scottish clergy had given warning not to allow laymen a place in the provincial or national assemblies; lest the nobility and more considerable gentry, soliciting a seat in these great ecclesiastical courts, should bestow a consideration on them, and render them in the eyes of the multitude a rival to the parliament. In the inferior courts, the mixture of the laity might rather serve to temper the usual zeal of the clergy." Mr. Brodie has copied the error of Hume: History of Charles the First, Vol. IV, p. 51. The other Histories of England say nothing on the subject.

[q] In the ordinance of 29 August 1648 this was corrected, and the classical assembly was made to consist of deputies from the congregational assemblies.

BOOK II. 1645.

the presbyterian church of Scotland. It was a favourite dogma with this party, that the church was a body that by the law of divine inspiration was totally separate from any other authority, and that the interference of any secular power in its proceedings was a profanation in the highest degree to be deprecated. The religious independents on the other hand did not recognise the very existence of a national church as belonging to the law of christianity; and the political independents viewed with extreme jealousy any attempt to place the ecclesiastical authority out of the control of the civil government.

Ordinance respecting excommunication.

The ordinance respecting excommunication, or the power of the keys, equally unsatisfactory to the presbyterians, was passed into a law on the twentieth of the following October[r].

Ordinance of provincial commissioners.

The independents were somewhat inebriated with the irresistible authority that now seemed to have fallen to their lot; and, being greatly annoyed with the persevering opposition and importunities of the assembly, the clergy, and the capital, they were prompted to a step in the spirit of retaliation, which seemed scarcely necessary for the accomplishment of their purposes. They had already provided, by an appeal to the parliament in the last resort, against an arbitrary authority in the church in the matter of ecclesiastical

[r] See above, p. 68.

censures: but they now proceeded a degree further, and, in addition to this check, voted that there should be commissioners appointed in every province (diocess) by authority of parliament, to decide upon such cases of scandalous offence presented by the elderships of the different parishes, as were not already included in the ordinance of the twentieth of October[s]: and this provision actually passed into a law on the fourteenth of March[t].

City of London petitions against it.

A measure of this sort however, which was intended to overawe their opponents into submission, produced the exactly opposite effect. The city of London, while the ordinance was yet in progress, presented a petition against it to the house of lords, which, at the suggestion of certain members of the corporation, was sent down by the lords to the commons. This interference however was taken up by the latter with high resentment; and the whole terminated with a permission granted to the citizens that all proceedings relative to this petition should be obliterated from the Journals of the Commons, and a recommendation that whatever related to it should be in like manner obliterated from the records of the corporation[u].

Is permitted to retract.

[s] Journals of Commons, Jan. 21.

[t] Journals of Lords, May. 14, 16.

[u] Journals of Commons, Mar. 19. Baillie, Vol. II, p. 196, 201.

BOOK II.

1646. Petition of the assembly of divines.

The submission of the city however in this instance, by no means succeeded to overawe the discontents of the other members of the presbyterian party. The assembly of divines in particular presented a petition to both houses on the twenty-third of March, after the ordinance had passed into a law, in which they affirmed the provision of commissioners stated in the ordinance, to be so contrary to that way of government which Christ had prescribed to his followers, and so different from all example of the best reformed churches, that they dared not practise according to it[w]. This was regarded by the house of commons as a flagrant outrage on the part of the assembly, who were originally called together for the sole purpose of offering their advice to the parliament, and that only upon such questions as parliament should propose to them. The house of commons therefore voted their petition a breach of privilege[x]: and a sort of threat appears to have been held out, that in presenting such a petition they might be found guilty of a *premunire*[y]; a sort of offence not exactly defined, but which is held to subject the offender to forfeiture of goods, and imprisonment during pleasure.

Severely censured by the house of commons.

Questions on the subject of *jus divinum*.

This petition further stated that the determination as to what persons should be excluded from

[w] Journals of Lords. [x] Journals of Commons, April 11.
[y] Neal, History of Puritans, Part III, Chap. vi.

participation in the sacraments, belonged to the church only, by divine right, and by the will and appointment of Jesus Christ. Such an assertion suggested to certain members of the house of commons the idea of drawing up a set of queries respecting the divine right of governing the church according to the presbyterian system, which queries were adopted by the house, and ordered to be delivered to the assembly. The assembly was therefore called upon to answer these queries severally, with proofs from scripture, annexing to their answers the several texts in the express words of the Bible. Among these queries was, whether the congregational, classical, provincial, and national assemblies of the church were of divine right, and by the will and appointment of Jesus Christ, and whether the appeal from the congregational assembly to the classical, from the classical to the provincial, and from the provincial to the national, were in like manner by divine appointment [z]. These queries, we are told, were delivered to the assembly, not with the expectation of receiving a satisfactory answer, but merely to occupy their time, and expose their presumption; and in them might easily be discerned the masterly hand of Whitlocke and Selden [a].

An answer is prepared.

But these leaders of the independents had taken a wrong measure of the self-complacency

[z] Journals of Commons, April 22.

[a] Neal, *ubi supra.*

BOOK II. 1646.

and confidence of the clerical order. Their aim was, we are told, to confound and divide the assembly by their insnaring questions; but they soon learned to repent what they had done. A committee of the assembly was speedily appointed to examine the queries; and without any difficulty they prepared solid and satisfactory answers to them all in the method required[b]. But here again they did not venture to present their decisions to the parliament, for fear of a second time falling under the construction of a *premunire*[c].

Remonstrance of the corporation against heresies and sectaries.

The circumstance which occurred at this conjuncture, of the king's having thrown himself into the hands of the Scots, served greatly to encourage the hopes and designs of the presbyterians. It operated in an equal degree to moderate the proceedings of the successful party, who scarcely thought it wise to aggravate the resentments of those, who by this unexpected incident seemed to have a turning weight thrown into their scale. The corporation of London, which so late had gladly accepted the compromise of having all proceedings relative to their petition against the provincial commissioners obliterated from the Journals of the house of Commons, now assumed fresh courage. On the twenty-sixth of May they presented a remonstrance to the lords

[b] Baillie, Vol. II, p. 215, 216, 251.
[c] Neal, Part III, Chap. vii.

and commons, in which, among other things, they complained that the golden reins of ecclesiastical discipline were let loose, and prayed, that some speedy course might be taken for the suppression of all private and separate congregations, that anabaptists, Brownists, heretics, schismatics, blasphemers, and such as conformed not to the public discipline established, might be fully denounced, and some effectual course settled for proceeding against them, and that no person disaffected to the presbyterian government might be admitted into any place of public trust[d]. A motion was made on the presbyterian side in the house of commons, and carried on a division, that the citizens who presented the remonstrance should be informed, that the house would take the matter of their representations into consideration, when time should be convenient[e].

Ordinance of church-government in the diocess of London remains unexecuted.

The ordinance directing the election of elders, by which the province, or diocess, of London was divided into twelve classes, the interests of which were to be watched over by twelve classical assemblies, had passed into a law on the nineteenth of August 1645[f]. But the presbyterian clergy had still so much influence, as to prevent the law from being carried into execution, and the congregations from being constituted agreeably

[d] Journals of Lords.

[e] Journals of Commons.

[f] See p. 67.

BOOK II. 1646.

to its provisions. They were peremptory to persevere in their opposition, till the church should by some means be rendered more independent of the state. And, if they had thus objected, while the appeal respecting new causes of exclusion from the sacrament lay only in the last instance to the parliament, it will easily be imagined how much their opposition was inflamed, when, by the ordinance of the March following, the appeal, instead of being referred in the last instance to the parliament, was multiplied, and lay commissioners were ordered to be set up in every province, or diocess, to pronounce upon this ecclesiastical question.

Ordinance of provincial commissioners repealed.

At length it was found expedient to qualify in some degree the offence taken at this ordinance; and it seems to have been by a compromise between the parties that a new ordinance was introduced in June, withdrawing the institution of provincial commissioners. It had been originally directed that the members of both houses of parliament who sat in the assembly of divines, being ten peers and twenty commoners, should be a committee before whom any new causes of suspension from the sacrament should be brought, previously to their being referred, if need were, to the parliament[g]. But now a much more numerous body, no less in amount than one

A committee of lords and commons substituted.

[g] Journals of Lords, Oct. 20, 1645.

hundred and eighty-six persons, of whom thirty-three were peers, were constituted a committee to adjudge and determine all scandals and offences not already enumerated [h]. This modification being established, the London clergy submitted to the system of church-government, in qualified terms [i]; and the elders were elected for the most part through the province of London on the nineteenth of July [k]. Before the end of the year the presbyterian system, under such restrictions as the parliament had prescribed, seems to have been completely set up in the province of London and the county-palatine of Lancaster [l].

Ordinance of church-government put in practice.

The parliament however, or rather those who constituted the majority of the house of commons, were exceedingly cautious in all ecclesiastical matters, and considered the whole establishment as matter of experiment only. In the ordinance of June it was expressly provided, that this law should continue in force for three years only; and that of the preceding March had a preamble which stated that it was not to be expected that a present rule could in every particular be settled at once, but that there would be need of supplements and additions, and haply of alterations in some things, as experience might bring to light their necessity [m].

Presbyterian church-government made temporary.

[h] Ibid. June 5.

[i] Neal, Book III, Chap. vii.

[k] Baillie, Vol. II, p. 216, 224.

[l] Ibid. p. 250. Neal, *ubi supra.*

[m] Rushworth, Vol. VI, p. 225.

CHAPTER VI.

PROPOSITIONS TO BE CHANGED INTO ORDINANCES.—ORDINANCE FOR ABOLISHING EPISCOPACY.—FOR THE SALE OF BISHOPS' LANDS.—SEVEN OTHER ORDINANCES BROUGHT IN.—PROCEEDINGS AGAINST PAUL BEST.—ORDINANCE AGAINST HERESY AND BLASPHEMY.—TREATY FOR THE ARREARS DUE TO THE SCOTS.—KING RECEIVED BY COMMISSIONERS APPOINTED BY THE PARLIAMENT.—CONDUCTED TO HOLDENBY.

BOOK II.

1646. Propositions to be changed into ordinances.

ONE of the measures which distinguished the autumn of the present year, was the determination of the house of commons, that the propositions which had been submitted to the king, and to which he had again and again refused an unreserved consent, should be converted into ordinances[a]. An ordinance, according to the language of this parliament, was an act of legislative authority, sanctioned by the lords and commons, and which was affirmed to be, and was admitted as, complete without the participation of the king. To change those propositions therefore which had

[a] Journals of Commons, Sep. 22.

been tendered to the king for his concurrence, into laws by the fiat of the two houses only, was, for that occasion at least, to convert the government of England into a republican government.

Ordinance for abolishing episcopacy.

The first specific measure, having relation to this plan of proceeding, that was brought forward, was a bill for abolishing the episcopal hierarchy of the church of England, which was read a first and a second time in the house of commons on the twenty-ninth of September [b]. A bill to the same effect had passed the two houses about the end of the year 1642 [c]: but that bill had been voted for the purpose of being tendered to Charles for his assent in the negociations at Oxford; and it was thought more consonant to the importance of the subject, now that an ordinance was meditated which was immediately to become part of the law of the land, that a new bill should be brought in, and should afresh be submitted to the progressive steps in the lords and commons which usually attend on the making a law. The act received the final sanction of both houses on the ninth of October [d].

for the sale of bishops' lands.

A bill was brought in about the same time [e], and passed through its corresponding stages, till it became a law, for the sale of the bishops' lands

[b] Journals.

[c] See above, Vol. I, p. 75.

[d] Journals of Lords.

[e] Journals of Commons, Oct. 19.

BOOK II. 1646.

for the use of the commonwealth [f], reserving both to such as had adhered to the parliament, and such as deserted it, a decent maintenance during their lives [g].

Seven other ordinances brought in.

On the twelfth of the same month of October, seven bills were brought into the house of commons by St. John, from the committee which had been appointed for converting the propositions into ordinances. The object of these bills, was, first to declare lawful whatever had been done by the parliaments of England and Scotland in prosecution of the war; secondly, to fix the military power for the next twenty years in the two houses; thirdly, to confirm the several treaties which had been entered into between the two kingdoms from the commencement of this parliament; fourthly, to annul all peerages that had been conferred by the king since the breaking out of hostilities; fifthly, to confirm all grants, proceedings and other things that had passed under the great seal of the parliament; sixthly, to set aside the Irish cessation; and lastly, to determine that the nomination to all the great offices of state should be in the two houses. The first, fourth, fifth, sixth and seventh of these bills passed through all their stages in the house of commons on the day on which they were introduced, and the other two, three days after.

[f] Journals of Lords, Nov. 16.

[g] Journals of Commons, Nov. 2.

They were all carried up to the house of lords; but only that for annulling recent peerages was for the present passed into a law [h].

Arguments against toleration.

Towards the close of the year the triumph of the presbyterian party in the house of commons became daily more apparent; and accordingly the measures that were pursued bore more apparently the stamp of a presbyterian temper. Toleration and intolerance was one of the great questions at issue between the presbyterians and their opponents. Nearly all that was most respectable and of highest character in the Scottish nation, and all those in the southern kingdom who made common cause with the established church of Scotland, were zealous and ardent advocates for unity of faith and discipline. They alleged that truth was but one thing, that in religion nothing was beautiful but the true, and that in proportion as we loved and devoted ourselves to the truth, we should feel an impatience and disdain of error. These religionists not only endeavoured to guard themselves most assiduously against the birth and beginning of error, but also held it for a duty to oppose its incroachments in the minds of other men. They desired that in a Christian country all men should sing one "song of the Lamb that was slain", and should confess one God, one Saviour, and one creed. There was nothing that

[h] Journals.

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they regarded with more horror, than the multiplication of sects, heresies, and blasphemies.

1646.

It is difficult at this time of day to do justice to the views and motives of these men. The arguments in favour of toleration, which was the cause maintained by the independents, are familiar to every reader.

Proceedings against Paul Best.

The temper of the presbyterians cannot be better illustrated, than by the proceedings that were entered into in the present year against one Paul Best, a man who was accused of denying that there are three persons in the Godhead, and of affirming that Jesus Christ was merely and properly a man. Best was informed against by the assembly of divines to the house of commons on the tenth of June 1645, and was immediately committed close prisoner to the Gatehouse of the College of Westminster [i]. He was examined by a committee of parliament on the seventh of July;

1647.

and his case was reported on the twenty-eighth of January. The reporter of the committee stated what had been done upon offenders in the like cases in former ages, and particularly referred to the proceedings against Bartholomew Leggat, whose heresy and blasphemies were precisely similar, and who had been burned alive in Smithfield in 1612, under the last king [k]. A bill was accordingly ordered in for the punishment of

[i] Journals. [k] Journals of Commons, Jan. 28.

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Best, and two months afterwards it was voted that he should be hanged for his offence[l]. The time for burning men alive for their heretical opinions was found to be gone by; and even in the instance of Leggat it was discovered that the spectators were so far moved to pity by the courage and constancy of the sufferer, that it would be unadvisable to repeat the punishment. One man more was executed in a similar manner for the like offence at Litchfield, three weeks after the death of Leggat[m].

1647. Vote that he should be hanged.

While the bill was under consideration, Best was examined at the bar of the house of commons, where he avowed and maintained his opinions as being that which he believed to be true[n]. A day was accordingly fixed for his trial; but it never took place; and he appears at length to have been discharged[o].

He is set at liberty.

The presbyterians however, though they declined proceeding finally by ordinance against the life of an individual heretic, were well disposed to make a general law awarding capital punishment for a terror to all future heretics. On the twenty-ninth of April a bill was ordered to be prepared for the prevention of heresies and blas-

1646. Ordinance against heresy and blasphemy.

[l] Ibid. Mar. 28.

[m] Stow, Chronicle, *ad annum*. Neal, Book II, Chap. ii.

[n] Journals, April 4.

[o] Journals, July 1. Neal, Book III, Chap. vi.

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phemies [p]; but the subject was suffered to sleep during the ascendancy of the independents. On the second of September, the day after the vote of the second two hundred thousand pounds to the Scots, it received its first and second reading. Meanwhile the bill was warmly and perseveringly debated in the committee; and it was not till the twenty-third of November that it was voted that the punishment should be death [q]. The subject however was suspended during the convulsions of the following year; and the bill did not finally pass into a law till the reascendancy of the presbyterians, 2 May 1648. But it does not appear that it then underwent any alterations; and it will therefore materially conduce to our understanding the temper of the party, for us in this place to enumerate its principal provisions.

Its provisions.

The first section of the law enacts, that for the following heresies the party convicted, unless he recants, shall suffer death, as in the case of felony, without benefit of clergy; and if convicted a second time after having abjured, shall die without remission. The heresies are, that there is no God, that God is not omnipresent, omniscient, almighty, immaculate and eternal, that the Father is not God, the Son is not God, and the Holy Ghost is not God, and that these three are not one eternal God, that Christ is not God equal with the Father,

[p] Journals. [q] Whitlocke.

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that he was not really and truly a man, that the Godhead and manhood of Christ are not two several natures, or that his manhood was not unspotted of sin, that Christ did not die, and rise again, and in his body ascend into heaven, and that his death is not meritorious for believers, that the scriptures, as enumerated in the canon, are not the word of God, that the bodies of men shall not rise again, and that there is no day of judgment after death. To this enumeration is subjoined a catalogue of inferior heresies, for which the offender shall be imprisoned, till he recants, or till he finds sureties that he will not repeat his offence [r].

Situation of the king.

We will now return to the king, whom we left at Newcastle in the latter end of December. We have spoken of his attempt to escape at that time to France or Holland, which proved abortive.

Negociation for delivering him up to the English.

It unavoidably happened, that the treaty for the four hundred thousand pounds to discharge the demands of the Scots, and the arrears due to the Scots' army, and the negociation for delivering up the king's person, went on at the same time, and by corresponding steps; and this in the ordinary language of history has been called bartering the king's person for gold. It is true that from the circumstances of the time the one could not go on without the other: the money would not have

[r] Journals of Lords, and Scobel.

BOOK II. 1646.

been paid when it was paid, and the person of Charles would not have been delivered to the English just at that period, if it had not been necessary that the one and the other should be done without delay. Both measures were just. The Scots' army had earned their wages, and could not be disbanded without this supply. And no person who understood the true interests and welfare of Scotland can fail to believe that it would have been madness on the part of the northern nation, to have carried the king back with them into their own country, unless he first took the covenant. By such a step they would have alienated the English presbyterians, as well as the independents, and have gratified none but the royalists. By such a step they would have become exposed to all the craft and the intrigues of the king and of the Scottish episcopalians. Lastly, it is to be considered that it was the covenant that first put arms into their hands, that they had perseveringly fought for it through every disadvantage and difficulty, and that it was a thousand times dearer to them than perhaps to any body of men in the English nation.

Necessity of the measure.

Charles had proved in the most demonstrative manner, by his unalterable resistance to every concession required of him by the people of his native land, that his principles and purposes remained the same as they had been at the commencement of the war. The disastrous events of that war had

produced no change in his professions and temper; and towards Scotland at least he had yielded not a single point. What then can be more contrary to the dictates of reason and wisdom, than to have required of the Scottish parliament or the Scottish army, to have removed him into their borders, to have acknowledged him as their king, and to have bid defiance to the whole power of England, in defence of him who was little less than their professed enemy? But they delivered him up without conditions. What conditions could they demand? The objects of the English parliament and of the Scottish parliament were the same; the covenant, and the propositions. We judge too much by events. The king's life could not be supposed to be in danger, but from such a concussion of party, and such an ascendancy of persons totally different from those with whom the negociation was going on, as would have rendered all conditions nugatory. Add to which, the English would infallibly have spurned at the idea of conditions to be prescribed to them by the neighbour-nation in their treatment of their king, and such a project, if persisted in, would infallibly have produced a breach between the two kingdoms [s].

Reasons of his being delivered without conditions.

[s] It was fully understood between the Scots and the leaders of the English presbyterians, that he was to be received in honour and safety, and to be restored on the basis of the propositions; but it was not judged proper that a vote or engagement to this purpose should be publicly proposed.

BOOK II.

1646. Treaty for the arrears due to the Scots.

The articles of the treaty for satisfying the demand of the Scots, the business having been previously referred to the consideration of a committee of the lords and commons of England, with commissioners appointed for that purpose by the parliament of Scotland, were first laid before the house of commons on the fifteenth of December [t]. The provisions related merely to the instalments and the manner in which the money should be paid, and the corresponding evacuation of the towns and territory of England by the Scots' army; and it was finally executed by the commissioners for that purpose eight days later [u].

1647. Last application of the Scots to the king.

The last step taken by the Scottish parliament was to send six commissioners to the king, with the earl of Lothian and lord Balcarras at their head, to receive his final determination as to the propositions [w]. Their first audience was on the twelfth of January; and on the fourteenth he suggested to them two preliminary queries; first, whether he were a prisoner, or not; as, in case of the affirmative, doubts might be entertained as to the validity of any engagement he formed; and secondly, in case he went into Scotland, whether he would be received with honour, freedom, and safety? The first of these questions was evaded by the commissioners; but to the second they an-

[t] Journals. [u] Journals of Commons, Jan. 1.
[w] Guthry, p. 236.

swered, that means would be taken to prevent his coming into Scotland without having given previous satisfaction in the matter of the propositions, and that, if he came notwithstanding, guards would be placed upon his person, and the government be conducted without him, as it had been for several preceding years [x]. This application to the king, like those which had preceded, terminated without effect; and, on the return of the commissioners, it was voted by the parliament of Scotland, that their army should retire into their own country, and that the king should be left with the commissioners sent by the parliament of England to receive him [y].

Payment of two hundred thousand pounds.

This proceeding exactly coincided in point of time with the payment of the first two hundred thousand pounds for the arrears of the Scottish army. The money, in bags of one hundred, and chests of one thousand pounds each, began to be counted into the hands of the Scottish receiver at York, on Tuesday, the fifth of January, and the counting was completed on Saturday, the sixteenth. On the twenty-first a receipt was signed for the first half of the amount at North Allerton, and on the third of February a similar receipt for the remainder [z].

[x] Rushworth, Vol. VI, p. 394. Burnet, p. 310.

[y] Rushworth, p. 395, 396. Guthry, p. 237. Burnet, p. 311.

[z] Journals of Lords, Jan. 18, 26. Feb. 9.

BOOK II.

1647. Commissioners of parliament come to Newcastle.

The earl of Pembroke, with two other lords, and six commoners, was appointed on the sixth of January, to repair to Newcastle, and receive the person of the king from the Scots' army[a]; and, a short time before, Holdenby House, in the county of Northampton, was named as the place to which he should be removed[b]. This was a stately mansion, built by sir Christopher Hatton, lord chancellor to queen Elizabeth, and afterwards purchased for a residence for Charles, when duke of York[c], at no great distance from Naseby, where the decisive battle had been fought between the king and the parliament. The king, we are told, expressed himself courteously to the commissioners, as being well pleased to part from the Scots, and to come nearer to the parliament, with whom he was very desirous to enter into negociation[d].

Charles expresses himself pleased with the arrangement.

Conducted to Holdenby.

On the thirtieth of January, the Scots' commissioners took leave of the king, and their army evacuated the town of Newcastle, leaving him in the hands of the English[e]. Three or four days after this he began his journey to Holdenby, where he arrived about the middle of February[f], and where accommodations were easily provided for him and his attendants, together with the com-

[a] Journals.
[b] Journals of Commons, Dec. 24. of Lords, Dec. 31.
[c] Herbert, Memoirs, p. 9.
[d] Ibid. p. 7, 8.
[e] Journals of Lords, Feb 3.
[f] Ibid. Feb. 8. 18.

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missioners and their suite, within the palace[g]. He had no sooner taken up his residence here, than he wrote to the parliament, desiring that he might be attended by some of his own chaplains; but this request, conformably to the intolerant spirit of the presbyterian party, was refused him[h]. They would allow none to be employed about him who had not taken the covenant[i]. Shortly after, the greater part of Charles's personal attendants, and particularly Ashburnham and Legge, who were obnoxious to the present leaders, were taken from him; and sir Thomas Herbert, author of the Memoirs of the Last Two Years of Charles, and Harrington, author of the Oceana, men of singular refinement and humanity, were substituted in their place[k]. The deportment of the king at Holdenby was marked with peculiar equanimity; his temperance was exemplary; and his principal amusements were walking, and playing at bowls; for the sake of the latter of which he sometimes rode over to a bowling green, that was at nine miles' distance[l].

1647. Refused the attendance of his chaplains.

His condition at Holdenby.

During the whole period of Charles's imprisonment we meet on his part with no open example of peevish and querulous complaint. This was no doubt partly owing to the temperate and re-

Commendableness of his demeanour.

[g] Herbert, p. 11. [h] Journals of Lords, Feb. 19. Mar. 3.
[i] Journals of Commons, Mar. 2. [k] Herbert, p. 13, 14, 15.
[l] Herbert, p. 12, 16, 17.

BOOK II. 1647.

spectful manner with which he was treated. But it must also have arisen in part from the composure and propriety of his own behaviour. When any one is intrusted to the custody of others, there will always occur one thing and another calculated to gall and irritate the mind of the unfortunate prisoner. We meet with one instance of a person to whom the king gave privately a paper written in ciphers, which being observed, it was taken from him, and he was committed to a short restraint[m]. Charles probably was not ignorant of this. At another time, many persons having resorted to him in his progress, to be touched for scrophulous distempers, a proclamation was set forth by the commissioners forbidding any such intrusion[n]. But, however Charles might be affected by these and other interferences on the part of his subjects, he disdained the language of complaint. He persisted, as we shall see on many occasions, in his practices of duplicity and artifice; but he can scarcely be accused of having lost sight at any time of the personal demeanour which he thought befitting a king.

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[m] Journals of Lords, Feb. 8.

[n] Ibid. Feb. 12.

CHAPTER VII.

DISBANDING OF THE ARMY PROPOSED.—PETITIONS TO THAT PURPOSE.—REDUCTIONS VOTED.—FORCES TO BE EMBARKED FOR THE SERVICE IN IRELAND.—ILLIBERAL CONDUCT OF THE PARLIAMENT.—DISCONTENTS OF THE ARMY.—ADVANCES TOWARDS LONDON.—DEPUTATION SENT DOWN TO THE ARMY.—PETITION OF THE ARMY TO FAIRFAX.—CONDEMNED BY THE TWO HOUSES.

1647. Crisis that arose from Charles's going to the Scots.

At the commencement of the year 1647 the party of the presbyterians seemed to be at all points triumphant. They had dreaded the consequences of Charles's throwing himself on the protection of the Scottish army. The independents had already been sufficiently exasperated against the northern nation; and they threatened instantly on that event to march the army of Fairfax against Leven, as having been guilty of the most flagrant treachery to the compact by which the two kingdoms were bound to each other. But this storm had been skilfully weathered. The threat that had been held out, was of too extreme a nature to be precipitately executed. The Scots professed

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all submission to the English parliament. They compelled Charles to disband Montrose, to surrender Newark to the forces of Poyntz, and to order the similar and instant surrender of Oxford and Worcester. They protested, and truly, that the king had repaired to their quarters on no previous stipulations, and that never had any set of men been less in expectation of such an event, under such circumstances, than they were.

Advantage which accrued from it to the presbyterians.

The first danger, which had occasioned them so sincere an alarm, being thus counteracted, it was found that the step which Charles had taken was of the greatest advantage to the party in opposition to Fairfax and the independents. The presence of the king among them immediately gave to the Scots an importance and consideration, which had been gradually deserting them ever since the battle of Marston Moor. Instead of insolently declaring that the English had no further use for them, and ordering them back in a summary way into their own borders, it became now the first object to get the king out of their hands in any way that might be most easily practicable. The consideration which had thus gone over to the Scots, was in no small degree participated by their allies, the presbyterians of England. It was seen that the fate of the public cause, and of the British isles, was in a certain sense in their hands. To declare war against Scotland, and to endeavour by force of arms to

wrest from her the person of the king, even if it could have been accomplished, would be an undertaking, tedious, sanguinary and desperate. The presbyterians in parliament, and they only, had the power, by mild and conciliatory means, to accomplish this point. Such a state of things tended in no long time to swell the numbers that voted with them, on every question connected with the possession of the royal person. Hollis and Stapleton were now universally regarded by the moderate and cautious, as the good geniuses of England, and were relied on to bring the affair to a prosperous issue.

Policy which they adopted.

Thus circumstanced, they applied themselves, as we have seen, to bring to a conclusion two affairs at once, the obtaining possession of the king's person, and the paying off the arrears of, and consequently disbanding, the Scottish army: and they regarded themselves as accomplishing a master-piece of policy, when they succeeded in making these two events coincide. The Scottish statesmen were perfectly aware of the necessity that lay upon them of surrendering the king; at the same time that no doubt they were not displeased to make this event the means of securing the immediate payment of what was due to them from their allies. The independents quietly stood by, witnesses of the operation, and were even willing to a certain degree to lend their help to its accomplishment. But neither the Scots, nor

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the English presbyterians seem to have been fully aware of the tendency of this measure. Both of them felt that they were becoming free from no small burthen, the Scots of keeping up and recruiting their army, and the English of supplying money from month to month to pay them for their services.

Gross mistake they committed.

It argued however no small want of foresight and calculation in Hollis, to have been so forward to effect the disbanding of the army of Leven. If the presbyterians had been careful to keep up a Scottish army of twenty-one thousand men, the state of things might have been exceedingly different. In open war, we have every reason to believe, that the forces of Fairfax would have defeated the forces of Leven. But the very existence of such an army would have held the military independents in awe. And the English presbyterians, commanding, as they did, a majority in parliament, and backed by the regiments of the northern kingdom, might no doubt, in case of emergency, have raised an army of their own partisans to face and control the army of the independents. But all this was reversed, the moment the soldiers of Leven were dismissed to their respective homes. There existed from that time only two parties, to settle between them the question of superiority as they could—the English forces under Fairfax, and the unarmed and unwarlike presbyterian majorities in the two houses of parliament.

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1647. Disbanding of Fairfax's army proposed.

The negociation with the Scots was no sooner dispatched, than Hollis and his friends began to look round to their next measure, the disbanding of Fairfax's army. The pretence they held out was, that the war was at an end, and that it was time to enter on a peace establishment. They were not themselves the dupes of this idea, with which they purposed to delude others. They well knew, that England was never in a more critical state than at this moment. They knew, that the partisans of the king, though defeated and dispersed, were not reduced even in point of numbers. The royalists looked, with eager and sanguine expectation, to the breach, which was daily growing wider, among their conquerors. They dwelt with earnest thought upon the sentiment, expressed by Astley in the last action of the war: "You [the soldiers of the parliament] have done your work, and may now go play; unless it is your pleasure to fall out among yourselves." The conflagration of civil war was not yet extinguished; and the royalists felt in themselves energy and passion enough to light it up afresh in every part of the island, the instant that a favourable opportunity should present itself. The presbyterians were not so ignorant as to be unaware of this, and had no intention to be without an army. But they held out the argument (that peace was now sufficiently secured), that they might get rid of Fairfax's army, and obtain

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another, which should be more obsequious and pliable to their purposes [a].

1646. Petition of the citizens.

The strong hold of the presbyterian party seemed to be the city of London; and it was therefore judged expedient, that the measure now under consideration should originate in the metropolis. "A humble representation of the pressing grievances and important desires of the well-affected freemen and covenant-engaged citizens of the city of London to the two houses of parliament," was accordingly set on foot early in December; and, when prepared, was submitted by those who framed it to the judgment of the court of common council. The main object of the representation was the support of the covenant. It desired, that such as had not taken the covenant, or, having taken it, were manifestly disaffected to the ends it expressed, might not be countenanced, employed in, or advanced to, places of public trust. It deplored the inundation of errors, schisms and heresies, which had broken in upon the land. It prayed, that all such might be restrained from public preaching as had not been duly ordained, that all separate congregations might be put down, and that an ordinance of exemplary punishment might be framed against schismatics and heretics. It recommended the disbanding of the army, that it might appear that

[a] See above, p. 214, note r.

the war in which the nation had been engaged, had never been intended as a trade. Lastly, it prayed that aid might speedily be afforded for the relief of Ireland, and that condign punishment might be inflicted on such as should be found to have interposed themselves as firebrands between England and Scotland [b].

Petition of the corporation.

The representation of the citizens was approved by the court of common council; and they accordingly undertook to present it to the two houses of parliament, backed by a petition of their own. This was accordingly done, December the nineteenth [c]. This petition prayed for the speedy disbanding of the army. It added, that the petitioners would not detract from the merits of those by whom the victory had been secured, but stated notwithstanding, that divers of the officers, as well as of the private soldiers, had either never taken the covenant, or were known to be disaffected to the church-government as established by parliament, and expressed a humble hope that, if such officers and soldiers were dismissed, parliament might yet by its authority be enabled sufficiently to provide for the safety of the kingdom [d].

Commotions.

The representation of the citizens seems to have been attended in its progress with a tumultuous concourse of the people, and some degree of riot.

[b] Tracts, Gift of Geo. III. to the British Museum, Vol. 290.

[c] Journals.

[d] Tracts, Gift of Geo. III, Vol. 290.

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1646. This was noticed in parliament, and a committee of lords and commons was appointed to consult in what manner the danger and inconveniences that might arise from this circumstance should be prevented [e]. It is singular enough that on this occasion we first meet with the language, the purpose of which was so memorably verified in the sequel. It was imputed to sir John Evelyn of Wilts, a strenuous independent, that he was heard to say in the house of commons to those who sat next him, that this tumultuous coming down of the citizens should be quelled, by bringing up the army for that purpose [f].

1647. Reduction of forces voted. The next business in the house of commons was that of proceeding in compliance with the London petition. On the ninth of February it was ordered, that the question how the forces and garrisons of the kingdom should be disposed of and provided for, should be taken into speedy consideration [g]: and, a few days afterwards, it was resolved, that five thousand four hundred horse, and one thousand dragoons, should be the number of horse to be kept up within the kingdom for the service of England [h], and that no body of foot should be maintained here, more than was sufficient for the different garrisons it should be thought advisable to preserve [i]. Upon

[e] Journals, Dec. 5, 7. Whitlocke, Dec. 7.
[f] Journals of Commons, Dec. 15, 16, 17.
[g] Journals. [h] Ibid. Feb. 18. [i] Ibid. Feb. 19.

these questions there was a division, in which the presbyterians carried their points by a small majority. The garrisons which were voted amounted to forty-five, and the infantry by which they were to be held somewhat exceeded the number of ten thousand men [k].

Fairfax appointed commander in chief.

On the fifth of March it was voted upon a division that sir Thomas Fairfax should be continued in the office of commander in chief. But the most memorable day seems to have been three days afterwards, when it was determined, that there should be no officer in the army under Fairfax above the rank of a colonel, that no commander of any garrison should be a member of parliament, and that every officer in any garrison, or in any other forces under the command of Fairfax, should take the covenant, and should conform to the government of the church as by ordinance established [l]. These votes were dictated by a spirit of hostility to the independent party; and some of them operated in an express direction against Cromwel, the second in command in the army of England. There were besides many other eminent officers who had recently been chosen members of parliament, in whom this vote was calculated to excite discontent.

Votes hostile to Cromwel and the independents.

Among these were Blake, Ludlow, Algernon

[k] Journals, Feb. 23, 25, 26. Mar. 1, 2, 3.

[l] Journals of Commons.

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Sidney, Ireton, Skippon, Massey and Hutchinson [m]. They had no way, agreeably to the present vote, of retaining any of these men in their service, but by sending them to Ireland. The rest they must discard.—It is a somewhat singular coincidence, that just at this period, on the fifteenth of January, Ireton married the eldest daughter of Cromwel.

Sanguine complexion of the presbyterian leaders.

It was doubtless incumbent on the leaders of the party which now predominated, to weigh their strength and their influence, before they proceeded to so formidable an extremity. The army, constituted as we have shewn it to have been, possessed at least as much popularity, taking all the parties and parts of England together, as the parliament; and, if the question came to a plain trial of force, they had of course incomparably the superiority. But Hollis and Stapleton, and the rest of the presbyterian leaders, seem not to have had this circumstance in their thoughts; they went on blindfold and in undoubting confidence. They held, that they had the law on their side, that the parliament was the supreme authority in England, and that, while the majority of the two houses was presbyterian, no one would have the audacity to dispute their decisions [n].

Forces to be embarked for the service in Ireland.

On the sixth of March the house of commons passed several votes respecting the transport of

[m] See above, p. 40, 41.

[n] Whitlocke, May 25.

forces to Ireland. It was resolved that three thousand horse, twelve hundred dragoons, and seven regiments of foot, consisting of eight thousand four hundred men, should be immediately appropriated to that service, these forces being to be drawn from the army of sir Thomas Fairfax [o]. 1647.

Consequences which flowed from these votes.

These points being determined on, necessarily led to an immediate issue between the army and the parliament. The misunderstanding was doubtless whetted and exasperated by the mutual contempt and hatred existing between the two parties. The presbyterians, who had the superiority in the two houses of parliament, were animated by the love of what they deemed to be divine truth, and the hatred of error, heresy and blasphemy, which they conceived to be most incompatible with and irreconcilable to the immaculate nature of the author of the universe. The independents, the party of the army, were no less animated by the hatred of intolerance and persecution, a tyranny to be exercised over the freedom of intellectual enquiry, and an interference with the most sacred of all rights to a moral being, the rights of conscience. One of the first grounds of quarrel against the king, was respecting ecclesiastical tyranny, and the barbarous sentences of the star-chamber and the high commission court; and the independents and secta-

[o] Journals.

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ries could not anticipate with patience, that all they were to gain by the war, was the exchange from a prelatical to a presbyterian despotism. There were other causes which heightened the dislike of these factions. The presbyterians had begun the war; and they took to themselves the merit of having first bid defiance to power in so sacred a cause. The independents had finished the war; and they despised the men who, having engaged in so illustrious an undertaking, seemed incapable of bringing it to an auspicious conclusion. The presbyterian leaders were most distinguished by the advantages of birth and fortune; and they looked down upon their rivals as adventurers and upstarts. The independents well knew to what superciliousness and imbecility those men are prone, who rely on the advantages of birth and fortune. To understand the temper of mind of the two parties we have only to look to Hollis's Memoirs, and the Dedication [p] prefixed to that book. It is almost impossible to find any where a parallel to the bitterness and scurrility which is there exhibited. The sequel and conclusion to all this is to be found, in the magnanimity of the independent leaders, who did not think their adversaries worth their perseve-

[p] "Dated Normandy, 14 February 1648: To the Unparalleled Couple, Mr. Oliver St. John, his Majesty's Solicitor General, and Mr. Oliver Cromwel, the Parliament's Lieutenant General, the Two Grand Designers of the Ruin of Three Kingdoms."

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ring hostility, and the mercenary character of the presbyterians, who, when they saw Cromwel graced with more than the power of a king, were willing for the most part to accept such benefits and advantages as he had to bestow. 1647.

Illiberal conduct of the parliament.

As if the purpose of the ruling party in parliament had been to drive the army to desperate measures, they shewed every symptom of an intention to dismiss them without paying their arrears. An ordinance had been brought into the house of commons in October, for continuing the assessments for the maintenance of Fairfax's army for six months, commencing from the first of the month [q], and, after being conducted through the usual steps in that house with a thousand studied delays, was finally lost in the house of lords [r]. Another law was introduced for taking, examining, and determining the accounts of all officers and soldiers who had served in the late war under the command of the parliament. This law was read a first and a second time on the sixteenth of January, and was referred to a committee [s], but proceeded no farther. 1646. 1647.

Dissatisfaction of the army.

The army, being thus excited by every motive that could have influence on the minds of men, the slights put upon their most favourite leaders,

[q] Journals of Commons, Oct. 7, 13.
[r] Journals of Lords, March 4.
[s] Journals of Commons.

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the imposition of a rigid religious conformity, with no toleration for the freedom of conscience they adored, and lastly, a reasonable apprehension that they were to be dismissed with contumely, without even the discharge of their arrears, were easily induced, whoever might be the first instigators, to meditate resistance against so flagrant an injustice. They saw that, if they submitted to the draft that was to be made of the flower of their numbers to be shipped for Ireland, they would be placed, both those who went, and those who remained, at the mercy of their unrelenting enemies. Add to which, it was perfectly notorious, that the army to be kept up on the peace-establishment was to consist of resolved presbyterians only, men prepared to execute every kind of rigour on such as did not implicitly conform to the church-government as by law established.

Advances towards London.

The first step by which the army betrayed its jealousy of the parliament, and it was a sufficiently decisive one, was by removing their quarters nearer to the metropolis [t]. This could not have been done without the concurrence of their officers, nor even of Fairfax, their commander. He was almost entirely guided by the advice of Cromwel, Ireton, and their adherents; and indeed the man must have been without the heart of a

[t] Journals of Lords, Mar. 17.

soldier, who could have thought that some expression of dissatisfaction and demur was not required at so extraordinary a crisis. The question was, what expression should be adopted, that should not lay them open to the contempt and revenge of their enemies, and should yet leave a door open for atonement and reconciliation.

Assessment voted for their maintenance.

The supineness and security of the presbyterian leaders at length became alarmed; and they accordingly passed a vote through the house of commons on the sixteenth of March, that an assessment of sixty thousand pounds *per* month for one year, should be raised, and employed towards the maintenance of Fairfax's army [u].

Further petition of the common council.

The next day a further petition was presented to both houses from the common council, praying that the army might forthwith be removed to a greater distance from London, and afterwards with all convenient speed be disbanded. The petitioners also complained of a petition of an opposite complexion that was set on foot in the city, and recommended that this petition should be out of hand suppressed, and a search commenced against its contrivers and promoters [v]. A copy of the paper against which they remonstrated, was given in with the petition.

Counter-petition in progress.

This paper is on many accounts entitled to notice. It is addressed to the Right Honourable

[u] Journals.

[v] Journals of Lords, Mar. 17.

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and Supreme Authority of the Nation, the Commons in Parliament Assembled, and calls itself the humble petition of many thousands, desiring the glory of God, the freedom of the commonwealth, and the peace of all men. It complains of the power assumed by the house of lords of subjecting men to vexatious interrogatories and arbitrary imprisonment, of the expensiveness of law-suits, and the obscurity of the law, of tithes, of the oppressions and persecutions exercised against those who do not conform in point of church-government, and of the exclusion of such persons from all offices of public trust. It is also remarkable, that the term Roundhead is first found on record in this paper, being enumerated with the opprobrious names of sectary, independent, heretic, and schismatic, which were cast upon all those who dissented from the established church [w]. Thus it appears that this term was first applied to the partisans of toleration and religious liberty, by the more sleek and prosperous presbyterians.

Votes of the two houses.

The first notice which had been taken of the advance of the army towards the metropolis had come from the house of lords, who, on the sixth of March, ordered a letter to be addressed to Fairfax by their speaker, requiring him not to quarter his army in any of the counties of the eastern association [x]. This order the general

[w] Ibid. Journals.

communicated to the house of commons, who in reply voted that it should be left to Fairfax to quarter the army at whatever place he should think best adapted for the benefit of the kingdom [y]. This vote they qualified a few days after by an intimation that none of the forces should be quartered at a less distance than twenty-five miles from London [z].

Petition preparing in the army.

The dissatisfaction of the army having been forcibly expressed by the removal of their quarters, a petition appears to have been set on foot for the purpose of expressing their grievances. But this was judged premature. Its authors were checked; and promised to proceed no further in the business without the participation of their general [a].

Deputation sent down to the army.

At the same time the committee for the affairs of Ireland sitting at Derby House, deputed sir William Waller, sir John Clotworthy, and Mr. Salloway, to repair to the head-quarters of the army, which were now at Saffron Walden, for the purpose of arranging with the principal officers there, in what manner the forces designed for Ireland should be drawn out from the rest. They arrived at the place of their destination on the twentieth. Their instructions were to communicate the recent vote for an assessment of sixty thousand pounds monthly for the use of the

[y] Journals of Commons, Mar. 11

[z] Ibid. Mar. 17.

[a] Whitlocke, Mar. 19.

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army, to sound the different officers as to how their affections stood for the Irish service, and to promise two months' pay to the rest of the army at the time of their being disbanded [b]. The arrears due, as appears from the report of the committee of the army, were forty-three weeks' pay to the horse, and eighteen weeks' to the foot; in all, three hundred and thirty-one thousand pounds [c].

Received by a convention of officers.

On the evening of the arrival of the commissioners they communicated on the subject of their mission with the general and such of the officers as came to pay them their respects. The next day a convention of officers was summoned by Fairfax to receive their communications [d]. In this meeting, the commissioners, having first laid before them two letters from the committee for Irish affairs, and the several votes of the house of commons, proposed to them the question, whether they were willing, with those under their command, to engage in the service of Ireland, to the number of horse, foot, and dragoons, now proposed to be sent? To this the officers, by a great majority, replied, that they were not prepared to answer this question, till they were first informed, what particular regiments, troops and companies it was intended to keep up for the service of England? Under whose conduct and com-

Difficulties suggested.

[b] Waller, Vindication, p. 42, 43, 44, 45.

[c] Journals of Commons, Mar. 26. [d] Waller, p. 44, 45.

mand those who engaged for Ireland should go? What assurance those that went to Ireland should have of pay and subsistence? and lastly, they desired satisfaction in point of arrears, and of indemnity for their past service in England. They added, that they were the rather anxious for an answer to their first question, partly that those regiments or troops which were not designed to be kept up in England might not be withheld from engaging for Ireland, and partly, that those who did engage, might be induced to do so from a confidence that they should have companions entertaining the same sentiments and partialities with themselves [e].—In this convention there were forty-four officers present, seven of whom were dissentient upon one question, and twelve upon another [e].—It may seem indeed somewhat extraordinary, that the army should be expected to rely for the assessment for their maintenance upon a bare vote of the house of commons, when a bill to the same purpose, after having passed the commons, had been lost in the lords a few weeks before.

Another convention.

This convention of officers was held on the twenty-first of March, and the next day a second convention was called by desire of the commissioners, to see whether the officers could by any

[e] Journals of Lords, Mar. 30.

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means be induced to modify their demur[f]. But this meeting produced no alteration[g]. Before they separated, a petition to Fairfax was prepared, together with a representation of the desires of the officers and soldiers, to be first laid before the general, and then by him presented to the parliament. In this representation three things were principally insisted on: first, that, whereas the exigency of the war had led them into many actions which the law would not warrant, a sufficient provision might be made for their indemnity in such services; secondly, that, before the disbanding of the army, satisfaction might be given to the petitioners for their arrears; and thirdly, that those who had voluntarily served the parliament in the late war, might not hereafter be compelled by impress or otherwise to serve as soldiers out of the kingdom, nor those who had served as horse, to serve as foot[h].

1647. Petition adopted by it.

Counter-engagement.

A counter-engagement of the same date was also entered into by five colonels and twenty-four inferior officers, declaring their readiness to answer the expectation of parliament as to the service of Ireland, referring the questions of maintenance and arrears without reserve to the care of the two houses[i].

[f] Ibid.
[g] Waller, p. 51.
[h] Journals of Lords, Mar. 30.
[i] Ibid.

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Two days after this a conference was held between the lords and commons, in which the lords expressed their disapprobation of the army's being quartered so near London, or in any of the counties of the eastern association, and strongly recommended that a provision of money should be made for the speedy paying and disbanding of the forces [k].

Conference of the two houses.

On the twenty-seventh sir William Waller and sir John Clotworthy made their report respecting their mission to the head-quarters at Saffron Walden, and in the course of it adverted to the petition that was in progress from that part of the army which had raised doubts on the engagement for Ireland. According to Waller, Ireton, who was in the house, first denied, and then admitted the existence of such a petition [l]. The house of com-

Officers summoned to be examined by the house of commons.

[k] Journals of Commons, Mar. 25.

[l] Waller, p. 58, 59. It is a misfortune that must be strongly felt by the historian of this period, that the accounts of its transactions which have reached us, are with scarcely any exception the production of royalist or presbyterian writers: the independents and republicans have no contemporary historian. They were too busily engaged in action; and conscious of their own integrity, they seem to have disdained apology and vindication. It is owing to this circumstance, that we find the character of Ireton on several occasions treated with harshness and contumely; at the same time that nothing is better known, than that he was a man of the most unbending principles, of an unquestioned courage, of the noblest disinterestedness, and whom no menace and no allurement could move to turn aside for an instant from the purpose he had chosen.

Clarendon has a ridiculous tale respecting Ireton (Vol. III,

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mons determined to repress this proceeding, and accordingly two days after, summoned Thomas Hammond, lieutenant-general of the ordnance,

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p. 58), that Hollis "one day, upon a hot debate, and some rude expressions that fell from the colonel," challenged him to fight; and that, "Ireton replying that his conscience would not suffer him to fight a duel, Hollis in choler pulled him by the nose, telling him that, if his conscience would keep him from giving men satisfaction, it should keep him from provoking them." As if a man of Ireton's independent and determined character had no way of repelling an insult, but by drawing his sword. Clarendon, in this silly story, confounds the character of a public man and a patriot, who feels that his powers are exclusively devoted to the great cause in which he is engaged, with that of a quaker. Even Hollis, the notorious calumniator of the courage of those who opposed him, has nothing of this.

But we are not left to conjecture as to the falshood of the tale. Ludlow, Vol. I, p. 244, has the following statement. "One day, commissary-general Ireton speaking something concerning the secluded members, Mr. Hollis, thinking it to be injurious to them, passing by him in the house whispered him in the ear, telling him it was false, and he would justify it to be so, if he would follow him; and thereupon immediately went out of the house, with the other following him. Some members, who had observed their passionate carriage to each other, acquainted the parliament with their apprehensions: whereupon they sent their serjeant at arms to command their attendance, which he letting them understand as they were taking boat to go to the other side of the water, they returned; and the house, taking notice of what they were informed concerning them, enjoined them to forbear all words or actions of enmity towards each other, and to carry themselves for the future as fellow-members of the same body, which they promised to do." The story is told in the same manner by Mrs. Hutchinson, Vol. II, p. 147. The fact is also recorded in the Journals of the Commons, April 2.

colonel Robert Hammond, his nephew, colonel Robert Lilburne, and lieutenant-colonel Grimes, who were understood to be deeply implicated in the affair, to their bar [m]. These they purposed to examine, together with Ireton, who was a member of their house, and lieutenant-colonel Thomas Pride.—The same day, they voted that the three regiments of Poyntz, Bethel and Copley, men who were known to be devoted to the presbyterian interest, should be part of the five thousand four hundred horse to be retained for the service of England [n].

Vote of the commons hostile to the petition.

It appears that the house sate late on this evening, and at an unusual hour, when most of the members had already departed [o], a declaration was voted, that, information having been received of a dangerous petition, with representations annexed, tending to put the army into a distemper and mutiny, the house did hereby declare its high dislike of the petition, and its approbation and esteem of those who discovered it, and that for such as had been abused and drawn in to subscribe it, if they proceeded no further, it should not be looked upon as any cause to take away the remembrance and sense the house entertained of their former services; but that those who continued in their distempered condition,

[m] Journals, Mar. 29.

[n] Ibid.

[o] Waller, p. 62, 63.

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and went on in advancing and promoting the petition, should be proceeded against as enemies to the state, and disturbers of the public peace [p].

Ludlow says [q], that the house being grown thin with long sitting, Hollis took this opportunity to draw up the resolution on his knee, which was immediately put to the vote, and carried.

Impolicy of this vote.

This resolution must be considered as amounting to little short of a declaration of war. It is of a piece with the hot and headstrong character of Hollis. In a question in which the well being of a nation was at stake, it demonstrated a bold disregard to the most obvious consequences. Here was on the one side an army of upwards of twenty thousand men, in the highest state of discipline, and animated with the most fervent enthusiasm; and on the other an unarmed and deliberative assembly of legislators, defying that army, and goading them by the most offensive imputations to do their worst.

It is confirmed by the lords.

Meanwhile, such was the tone of pertinacity and offence to which the presbyterians were worked up at this time, that the house of lords the next day voted their adherence to this impolitic declaration.

[p] For the Declaration see Journals of Lords, Mar. 30.

[q] Vol. I, p. 191. Ludlow states the matter, as if this were subsequent to the clandestine departure of Cromwel for the army. Ludlow, though a writer of the greatest integrity of intention, yet, writing from memory, is perpetually wrong in his dates. The fact in this case is put beyond all controversy by the Journals of the Commons, March 29, June 3. See also Waller, p. 61, 62, 63.

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On the first of April general Hammond, colonel Pride, and the other officers that had been summoned, appeared at the bar of the house of commons. Pride seems to have been selected as the person who had given greatest offence, and he was charged by the speaker with a certain proceeding, and the using threats to promote the petition, which he denied. The officers were then informed of the disapprobation of the petition voted by the house, and were enjoined to return to their respective charges, and to use their best endeavours for its suppression, and dismissed [r].

1647. Examination of Hammond and Pride.

The same day it was voted that the civil government of Ireland should be kept distinct from the military power, and should be vested in two lord justices [s].

Further regulations for Ireland.

The next day general Skippon, who was popular and acceptable to all parties, was named for commander in chief in Ireland with the title of field-marshal, and colonel Massey for his general of the horse [t]. On the thirtieth of March it had been further determined, that a committee should be appointed to treat with the corporation of London for the loan of two hundred thousand pounds for the service of Ireland [u].

Skippon appointed to command there.

In the following week the ordinance for the

Ordinance of assessment.

[r] Journals, Rushworth, Vol. VI, p. 444. [s] Ibid.
[t] Ibid. [u] Journals of Commons.

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assessment of sixty thousand pounds monthly for the maintenance of the army passed the house of commons [w].

Regiments of horse named for service in England.

It was next day moved and carried that the regiments of Fairfax, Cromwel, Graves, Rossiter and Whalley should be five of the regiments of horse to be kept up for the service of England [x].

[w] Ibid. April 7. [x] Ibid. April 8.

CHAPTER VIII.

SECOND DEPUTATION TO THE ARMY.—COMMENCEMENT OF THE AGITATORS.—SKIPPON, CROMWEL, IRETON AND FLEETWOOD DEPUTED BY THE HOUSE OF COMMONS.—METHOD OF DISBANDING VOTED.—EARL OF WARWICK AND OTHERS APPOINTED TO CONDUCT IT.—COUNCIL OF WAR DEMUR AGAINST THE PROCEEDING.—CROMWEL WITHDRAWS TO THE ARMY.—CONCILIATORY MEASURES VOTED.

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1647. Second deputation to the army.

THESE preliminaries being arranged, the committee for the affairs of Ireland commissioned the earl of Warwick, lord Dacre, sir William Waller, sir John Clotworthy, general Massey, and Mr. Salloway, to proceed to Saffron Walden to treat with the general and other officers of the army respecting the service of Ireland, to accept the offers of such as should be willing to engage, to draw them into a body distinct from the rest of the army, and to quarter them in such places as should be held most convenient in order to their speedy march. The earl of Warwick was particularly fixed on, as being in some respects them an of the most popular and conciliating manners that

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the sense of the convention of officers. The debate was adjourned from the twenty-third to the twenty-seventh of April [d]. On that day the commissioners who had been sent to Saffron Walden, made their report personally to the two houses, which appeared more favourable to the Irish expedition, than the accounts they had transmitted to London soon after their arrival at head-quarters [e].

Unfavourable termination of the debate.

This had an unfortunate effect on the issue of the debate. The parliament became more confirmed in their projects than ever. They summoned colonel Lilburne and one of the captains of his regiment to appear before them, on the charge of having tampered with the soldiers to dissuade them from proceeding to Ireland; and an ensign of the same regiment (Nichols), who had been sent up by the commissioners in custody, was by the house of commons committed a prisoner to the serjeant at arms. They also voted that such of the army as did not engage themselves in the service of Ireland, should receive six weeks pay of their arrears, and be disbanded [f]. On the same day a petition of the officers of the army, accompanied with a vindication of their proceedings, was tendered to the house of commons. General Skippon also expressed his willingness to undertake the command of the army in Ireland [g].

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[d] Journals. Rushworth, *ubi supra*. [e] Journals of Lords.

[f] Journals.

[g] Whitlocke. Rushworth, Vol. VI, p. 468 to 472, 474.

1647. Temper of parties.

The contrast that presents itself is in a high degree striking between the temper and the measures which characterised the leaders of the two great parties in public affairs on this occasion. The champions of presbyterianism were headstrong and confident, relying on their ascendancy in the great council of the nation, and persuaded that they had only to shew themselves determined, in order to awe all opposers into submission. They thought therefore of no proceedings but such as professed to go strait to their purpose, and believed that they should accomplish all their ends by a firm and untemporising spirit. The independent leaders on the other hand felt their inferiority in numbers when any main question came to a vote, and resolved to make up, by subtlety and the policy of their conduct, for what they wanted in open strength.

Officers forbidden to encourage the discontents of the army.

Agreeably to these two modes of thinking and feeling, the presbyterians, when they saw things going on in the army in a way injurious to their purposes, thought only of summoning to their bar certain officers who had rendered themselves conspicuous on these occasions; and one or two of them they sent to prison as an example to the rest. But the leaders of the army-party turned to their advantage what had been intended for their ruin. The officers were threatened, and forbidden any more to encourage the soldiers in their discontents, or assist them in their efforts for redress. They

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apparently obeyed. They saw that from this submission the complaints of the military were likely to become more formidable than ever[h].

Consultations of the soldiers.

The soldiers were seemingly left to themselves. The officers, as many of them as were members of parliament, attended in their places in the house of commons with unusual diligence; those who were not in parliament, but who were supposed to be of the highest importance, and to carry most weight with the army, affected to be absent on different avocations. The private soldiers and non-commissioned officers began to gather in knots, and consult what they could do in the absence of their principals. The individuals who made up the mass of Fairfax's army were not ordinary individuals. They were citizens, who had left their usual occupations, their farms and their trades, to fight for liberty. They exercised their understandings; each man was a thinking and reflecting being; they valued their independence; and above all, they were animated with a fervent spirit of religion. They disdained to be treated as machines: they would not endure to be told by their employers, You are as clay in the hands of the potter, some of you to be made by us vessels of honour, and some of dishonour. It is impossible not to believe that there was a secret understanding between them and their absent

[h] Hollis, §. 81.

commanders; and that the latter furnished them with hints as to the proper remedy, and with stimulants to induce them to bring it into act.

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Commencement of the agitators.

The soldiers therefore, being deprived of the natural and regular way of expressing their wants and their wishes through their officers, more especially when, as in this case, the sentiments of the one and the other were perfectly in unison, began to consider whether they could not suffice to themselves. If their higher officers were taken from them, the lower, the non-commissioned, still remained. There were individuals even in the ranks, not incompetently qualified to deliberate, to preside in counsels, nay to command. They determined therefore to chuse from among themselves the members of an assembly, who should consult together in their behalf, and express their sentiments. Two persons appear at first to have been chosen out of every troop or company, to consult together upon the critical situation of the army [i]. But this council seems to have been found too popular and tumultuous for the purposes they had in view. These therefore acted principally as a committee of electors, who again chose from among themselves two or more representatives for each regiment, which constituted the deliberative council of the army [k], and was afterwards known by the name of the council of adju-

[i] Rushworth, Vol. VI, p. 485.

[k] Ibid. p. 510.

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tators, or agitators, their office being to *aid* the regular council of war, or to *agitate* such questions as the interest of the army required to have considered.

Fellow-soldiers of Cromwel.

Four persons are named as having been peculiarly in the confidence of Cromwel, when, in the beginning of the civil war, he raised a troop of horse at his own expence, and first took on him the character of a soldier: Ayres, Desborough, Berry and Evanson. These men, by their valour and their singular possession of the art of military discipline, contributed with their commander to raise, first the troop to which they belonged, and afterwards the whole army, to the unrivalled excellence by which they were finally distinguished[l]. In human affairs, among men who set out together, and originally perhaps with equal qualifications and hopes, some fall through and are no more heard of, while others arrive successfully at the summit of their ambition. Of Ayres and Evanson we know nothing more. Desborough had six years before married a sister of Cromwel; and he arrived at some of the highest offices of the state. Berry was scarcely less successful. Desborough was major, and Berry a captain, in Fairfax's regiment of horse at the time of the new model[m]. At this time the name of Berry occurs as president of the council of

[l] Baxter, Life, p. 98. [m] Journals of Lords, Mar. 18, 1645.

agitators [n]; and hence we may form a shrewd idea, how far Cromwel was concerned in proceedings, over which one of his select brothers of the war exercised a principal direction [o].

Effects of the new institution.

It was thus that the unadvised and injudicious conduct of the presbyterians in parliament, served to consolidate a power, under the weight of which all their purposes and efforts were finally crushed. The dominion of the officers of an army is limited; for the views and the apparent interests of the officers and the men are often different, and therefore the officers do not, except in questions that are merely military, carry with them the whole weight of the army. On the other hand, the private soldiers partake in a certain degree of the nature of a rabble; they are actuated by momentary impulses, and have little in them of the character of combination and regular design. All these disadvantages were in a great measure removed, by the proceeding, which the discountenance and censure directed by parliament against the officers, imposed on the regiments under Fairfax's command. A representative body regularly constituted in an army, is a machine the power of which is not easily calculated. The council of agitators felt their own importance, inasmuch as

[n] Baxter, p. 57.

[o] Ayres is mentioned by Whitlocke, Oct. 1, 1645, by the appellation of major Ayres, as made governor of Devizes, and again spoken of by him as a colonel, under the dates of Jan. 24 and Aug. 16, 1648.

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they were not acting merely by or from themselves, but were as the heart to the entire body. As often as they pleased, they could consult their constituents, who were conveniently at hand; they could communicate their feelings, explain their views, and ascertain from day to day the fears, the hopes, and the wishes of the whole.

Conduct of the presbyterians.

The presbyterian leaders must have felt to a considerable degree astonished, when they heard of this new establishment, which had risen suddenly, and as it were like an exhalation. They had highly censured the officers, when they ventured to deliberate for themselves, and present a petition though on subjects purely military. They were henceforth to hear themselves instructed by the army, not only in military matters, but in such as were peculiarly civil and political. The officers, in the affair of the petition of the thirtieth of March, had in several instances sent out copies of it, to be subscribed by the different regiments; but this, though it bore a very serious aspect, fell infinitely short of the existence of a representative body, of which every member of the army was an elector.

Letter addressed by the agitators to Fairfax, Cromwel and Skippon.

The first proceeding in which the agitators called upon themselves the public attention, was by a letter dated on the twenty-eighth of April, three copies of which with slight variations were addressed to Fairfax, Cromwel and Skippon, and signed by two persons respectively from eight

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regiments, under the denomination of agents for those regiments. The purport of this letter was to complain of the treatment the army had lately experienced, and in particular that they had been proclaimed enemies. They said, they knew well how to deal with adversaries with swords in their hands, but that the foes with whom they had now to encounter were far more dangerous, being protected by persons intrusted with the government of the kingdom. They designated them as men who had lately tasted of sovereignty, and, being lifted above their ordinary sphere of servants, sought to become masters, and were degenerating into tyrants. Lastly, they plainly said, that, however cordially otherwise they were disposed to the expedition of Ireland, they must express themselves averse to that service, until their desires were granted, and the just rights and liberties of the subject were vindicated and maintained. In particular they complained of the want of a legal indemnity for what they had done in the prosecution of the war, and that the Irish expedition, in the shape in which it was now proposed, was nothing less than a plan for ruining the army and breaking it to pieces [p].

Presented to the house of commons.

This letter was offered to the attention of the house of commons by Skippon on the last day of the month. Cromwel also produced the copy he had received. Skippon was asked in what way

[p] Journals of Lords, April 30.

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the letter had been conveyed to him; he answered, by three men of no command in the army, who were he believed at the door of the house, their names, Edward Sexby, William Allen, and Thomas Shepperd [q]. They were called in, and asked various questions respecting the contriving, drawing up, and signing of the letter. They said, that it had originated in a rendezvous of several regiments, and that afterwards there had been different meetings of the agents of the regiments concerning it. They affirmed that very few of the officers knew, or took any notice of, the proceeding. Skippon, being appealed to, vouched for the constant fidelity and active service of these men against the royalists during the whole course of the war [r].

Artful behaviour of Cromwel.

It was proposed by some members of the house of commons, that these messengers should without delay be committed to the Tower, and the letter they had brought be declared seditious [s]. The presbyterian leaders however began to look upon the subject in a more serious point of view than they had hitherto done, and to shew considerable tokens of alarm. Cromwel considered this as the occasion to bring forward his master-piece of dissimulation. He stood up in his place in parliament, and protested that, to his knowledge, the army was greatly misunderstood and calumniated.

[q] Journals. [r] Whitlocke. Rushworth, Vol. VI, p. 474.
[s] Ludlow, Vol. I, p. 190.

They willingly put themselves into the hands of the national representative, and would conform to any thing parliament should please to ordain. If the house of commons commanded them to disband, they would obey without a murmur, and pile up their arms at the door of that assembly. For himself, he intreated them to accept his assurance of his entire submission and obedience. He supplicated them therefore to bear in mind the long services, and the pure and entire loyalty of that meritorious body, and to do nothing respecting them in anger, or under false and mistaken impressions of resentment[t]. This representation had such an effect, that the debate terminated with a vote barely enjoining the messengers of the army to attend the house whenever they should be summoned; at the same time that the commons commissioned Skippon, Cromwel, Ireton and Fleetwood, the latter three of whom were the real authors of the disobedience, to repair forthwith to head-quarters, and apply their endeavours to quiet the distempers of the army. They were instructed to acquaint the soldiers, that the house had appointed to have an ordinance suddenly brought in for their indemnity, and the indemnity of all who had acted in obedience to the authority of parliament during the war. It was ad-

He and others sent to mediate with the army.

[t] Baxter, p. 59. Warwick, p. 298. Clement Walker, p. 31. Clarendon, Vol. III, p. 46.

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ded, that it was further resolved, that a considerable proportion of their arrears should be paid them on disbanding, and the remainder as early as might be consistent with the necessities and occasions of the kingdom [u].—This was the first concession made by the prevailing party in parliament, to the formidable appearance of resistance, and the firmness, displayed by Fairfax's army.

They open their commission.

It was not till the seventh of May, that the generals sent down by the house of commons presented themselves to a convention of officers at Saffron Walden, and laid before them the particulars of the votes last recited. The answer they received was measured, and of a singular import. The officers said, that they were at some loss to understand what was meant by distempers in the army: if it referred to their grievances, they had then something to offer. What however they desired chiefly to suggest was, that if the officers should undertake to declare their sense of the parliamentary proposals, it might perhaps be taken as an unadvised and forward step in them to speak in the name of the army, before they had first learned the general disposition of the soldiers: as it had been too much forwardness in those who presented the first paper to the parliament subscribed with their names, whereby the legislature had been induced to believe that

[u] Journals.

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they could engage their whole regiments in the service of Ireland, which had turned out to be by no means the case. They therefore requested to be first permitted to acquaint their respective regiments, troops, and companies, with the votes of the parliament, that they might then speak the clear sense of the army on the question, without the danger of incurring ambiguities and mistakes. The persons sent down from the house of commons to treat with the army, yielded to this representation, and appointed the same day in the following week for reassembling the convention of officers, and receiving from them the report of what they had done in the interval [w].

Answer of the army deferred.

This proceeding on the part of the army has been idly represented by some historians, as an ambitious attempt to place themselves on a level with the parliament. The general's council of officers, say they, resembled the house of peers, while the persons chosen by the soldiers in general out of each troop or company, was considered as answering to the house of commons [x]. But this is one of the gratuitous fictions with which history has been so often disfigured. We may be sure that the house of lords (which had recently in-

Misrepresentation of historians.

[w] Rushworth, Vol. VI, p. 480. Whitlocke, May 8. Waller, p. 115, 116.

[x] Clarendon, Vol. III, p. 43. Echard, Rapin, Kimber, Banks, &c.

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curred so much odium, and within twenty months afterwards was entirely abolished) was not at this time in so good odour with the military, that, however they might wish to engross the direction of the state into their hands, they should in any degree have aspired to imitate the old constitution of the realm, and have erected two houses of legislature in their military republic.

Further convention of officers.

In the next convention of officers, summoned to meet the generals, members of parliament, on the fifteenth, some of the officers, most favourable to the predominant party in the house of commons, attempted to take the lead, and to begin with a representation of the numbers of their followers, who were willing to engage without reserve in the service of Ireland. But Lambert interposed, and represented that the first business they came there to perform, was to draw up a statement of the grievances which the army had sustained, agreeably to the communications they had received from the meeting of agitators. The debate ran so high between the two parties in the convention, that it had well nigh proceeded to personal violence. Skippon however, who had hitherto seemed to proceed with good faith in obedience to the instructions he had received in London, while the other three, Cromwel, Ireton and Fleetwood, were plainly favourable to the party of the malcontents, now began to waver in his judgment, and finally decided for the propo-

Representation of Lambert.

Supported by Skippon.

sition of Lambert, that it was proper to take the grievances of the army into their immediate consideration [y]. They proceeded therefore to digest the complaints of the forces, and the conditions they required, into a regular form, while a protest was framed by the minority, declaratory of their disapprobation of what was going forward, which was ultimately signed by sir Robert Pye, colonels Graves, Sheffield, Butler and Fortescue, and one hundred and sixty-two other officers [z].

Extension of time requested.

In the letter, written by the general officers of the army to the speaker of the house of commons, giving an account of what passed in this convention, they requested an extension of the time allotted them to negociate with the army, and observed that the business in which they were employed had been found by them harsh and rugged, and of a concernment that equalled, or rather exceeded, any of which they had had previous experience [a]. The effect of this letter was a vote, that Fairfax, who had come up to London for his health, should be requested immediately to go down to the army, that one or more of the commissioners, Skippon excepted, should repair to the parliament to give an account of the state of their mission, and that the committee for the affairs of

[y] Waller, p. 116, 117, 118. Rushworth, p. 484, 485.

[z] Rushworth, p. 495. Whitlocke, May 26. Waller, p. 117.

[a] Journals of Commons, May 18. Rushworth, p. 487. Waller, p. 123.

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Ireland, should proceed without delay to digest the time and manner in which the forces no longer intended for service should be disbanded [b].

Cromwel reports the proceedings.

In pursuance of the summons which had been sent, Cromwel and Fleetwood appeared in the house of commons on the twenty-first, and Cromwel in his place gave an account of the particulars which had occurred in the execution of their mission. The report being concluded, it was resolved that the accounts of the soldiers should be speedily audited, and a real and visible security given for the amount of their arrears, and that no person who had been engaged in the late war in the service of the parliament, should be liable to be pressed into employment beyond sea. On the same day the ordinance for the indemnity of soldiers and others for what had been done in the prosecution of the war, passed the house of lords [c].

Method of disbanding voted.

On the twenty-fifth the report from the committee for the affairs of Ireland was delivered by Hollis; and it was resolved that the foot regiments of the army, as many as did not engage in the Irish expedition, should be disbanded at certain times and places specified in the votes. The places fixed for the disbanding were different for the different regiments, and some of them considerably distant from others, and the times

[b] Journals.

[c] Journals.

early in the month of June. On the same day, by way of peace-offering to the army, the house of commons liberated colonel Robert Lilburne and some other officers, who had been put in confinement on a charge of mutinous behaviour [d].

These votes of necessity drove the business to an immediate crisis; and it appears that on the night of the same day (for the votes were passed in the afternoon) general orders were issued, in pursuance of the discretion vested in the commander in chief, that the head-quarters of the army should be removed without delay, from Saffron Walden, to Bury St. Edmunds [e].

Army removes to Bury St. Edmunds.

On the twenty-eighth the two houses voted a declaration of the necessity that existed for the immediate disbanding of the army, and

Earl of Warwick and others appointed to conduct the disbanding.

[d] Ibid.

[e] Waller, p. 128, 129. Rushworth, p. 496. Fairfax in his Memoirs, p. 103, 104, expresses himself with the utmost disapprobation of the council of agitators, but says, that his commission did not authorise him to act otherwise than in concert with his own military council, and that at this time his opinions and wishes were perpetually overruled by a majority. This representation however is to be received with considerable caution. Fairfax's Memoirs were composed after the Restoration, in the accomplishment of which he had his share. At that time he and others were disposed to take shame to themselves, for what they had before regarded as their glory. Mrs. Hutchinson, Vol. II, p. 102, is our voucher, that at this period Fairfax was a strenuous independent. The memory itself in man is of so pliant a texture, that we often forget the part we took on former occasions, when it ceases to accord with our present sentiments.

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appointed the earl of Warwick and lord Delawar, with sir Gilbert Gerard and three other members of the house of commons, to be a committee to act with the general in the execution of the disbanding [f].

General council of officers.

On the twenty-ninth a general council of war was held at Bury, there being about two hundred officers present. The interval from the twenty-fifth, when the commander in chief removed from Saffron Walden, to the twenty-ninth, was clearly intended to give time for collecting the sense of the body of the army in their present trying situation. Accordingly a petition was here produced, with the signature of the several members of the council of agitators, in which they expressed their amazement that a disbanding should be so suddenly resolved on, previously to the redressing their grievances, the vindicating of the army from the aspersions which had been cast on them, and the calling to account those persons who had been the intenders and contrivers of their destruction. They further complained of the strange and unheard of determination to disband the several regiments apart from one another, a proceeding which must necessarily exhibit them in a suspicious and dishonourable light to the whole kingdom, to which, on account of their just and humble expostulations, they had already been

Petition of the agitators.

[f] Journals.

declared enemies. Finally, they intreated their general to appoint a speedy rendezvous for the whole army, and to use his endeavours that no disbanding might take place till their grievances were fully redressed, "which if he should be pleased to yield by conceding to their just desires in the way of order, they shall abundantly rejoice, and ever acknowledge themselves his faithful servants."—It was further a common talk amongthe soldiers, that they had very little reason to be satisfied at a disbanding with eight weeks pay in hand, when their real arrear amounted to the pay of fifty-six weeks [g].

General rendezvous recommended.

The council of war, with the exception of five or six inferior officers, unanimously recommended to the commander in chief to listen to the representations of the army, and to contract the quarters of the different regiments into a position more contiguous to the head-quarters, that a general rendezvous of the army might take place under the countenance of those who had the proper authority for carrying it into effect. The heads of advice to the general to this purpose were ordered to be drawn up by Ireton, Okey, Rich, Robert Lilburne, and colonel Harrison, the latter of whom had recently landed from the service of Ireland [h].

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[g] Rushworth, Vol. VI, p. 497, 498. Whitlocke, May, 31.

[h] Journals of Lords, June 1. Rushworth, *ubi supra*. Journals of Commons, May 7.

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1647. Letter from Fairfax to Skippon.

The earl of Warwick and the other commissioners proceeded according to their instructions to Chelmsford, where, pursuant to the votes of the two houses, Fairfax's regiment of foot was to be disbanded on the first of June. They reached that place on the evening before. They were met there by Skippon, who shewed them a letter from the general, in which he observed, that as to drawing his own regiment to Chelmsford on the day appointed, he knew not how to act, as there was little hope of proceeding further in the matter of disbanding, till the pleasure of the two houses were known on the communication he had just made to them of the result of the council of war at Bury [i].

The commissioners having transmitted an account of these circumstances to the parliament, it was presently voted, that the money sent down to Chelmsford to pay off part of the arrears to the regiment in question should be brought back, and the commissioners be recalled [k].

Rainsborough's regiment mutinies.

In the mean time the proceedings of the army were daily becoming more mature; and, as the days for the disbanding were fixed, the affair no longer admitted of delay. The regiment of colonel Rainsborough, who was also a member of parliament, had been selected to form a garrison

[i] Journals of Lords, June 1.

[k] Journals, June 1, 2.

for the island of Jersey[l]. They were on their way as far as Petersfield, when the soldiers came to a resolution to proceed no further, and, taking up their colours, they came back to Oxford[m]. But the man who acted the most considerable part on this occasion, was George Joyce, a cornet in Cromwel's own regiment. By orders, which issued, as it is said, from a meeting held at Cromwel's house on the thirtieth of May, this officer, with a party of some hundred horse, proceeded to Oxford, to secure the artillery and ammunition laid up there, that, if the army were obliged to defend themselves by force against the votes of the parliament, they might have timely provision for that purpose[n].

Joyce marches to Oxford.

Matters were by this time advanced to such a state of forwardness, that it was impossible for Cromwel any longer to persevere in the duplicity he had hitherto maintained. It should seem that some sort of accusation was brought against him in the house of commons on the second of June[o], from which he defended himself as well as he could, accompanying his vindication with many protestations of his innocence, and a bitter la-

Cromwel withdraws to the army.

[l] Journals of Commons, May 25.

[m] Ibid. May 28; June 2. Hollis, §. 95.

[n] Journals of Commons, June 3. Hollis, §. 96, 97. Waller, p. 136.

[o] There is a story in Burnet (Own Time, Book I) of his having thus early suggested the propriety of purging the parliament.

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mentation of the animosity expressed against him by the soldiers in consequence of his exertions to subdue their excesses. All that he alleged however was unsatisfactory to his adversaries; and they consulted respecting a vote to seize his person, when he came down to the house the next morning, as he scarcely ever failed to do, and to send him to the Tower; as the most effectual means to confound the deep and desperate projects now going on in the army. Cromwel however, whether he got a hint of their design, or that his object in attending the house was at an end for the present, disappointed their contrivance, and was seen riding out of town, attended with only one servant, the next morning by break of day [p].

Conciliatory measures voted.

Field-marshal Skippon attended the house of commons upon summons the following day [q]; and, after some debate as to the most eligible mode of proceeding under the present palpable disobedience of a part of the army, and discontent of the rest, he was called upon, as the person best informed, and most qualified to give advice, to deliver his opinion as to the conduct parliament ought to pursue. Skippon as became a man of his weight and experience, and who was sincerely

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[p] Clarendon, Vol. III, p. 46. Hollis, §. 81, and Ludlow, p. 190, say, that his escape took place in the afternoon or evening.

[q] Journals of Commons, June 1.

zealous for the public good, recommended moderate counsels, and that the present irritated mind of the soldiers should to a certain degree be soothed and complied with: and in pursuance of his advice votes were passed, that full pay should be given to the private soldiers, as well as to the non-commissioned officers, both horse and foot, at the time that they were disbanded, or engaged for Ireland; that one month's pay, in addition to what had formerly been voted, should be disbursed to the commissioned officers; and that the violent and impolitic declaration of the thirtieth of March, which had given so much just offence to the army, should be erased from the journals of both houses[r].

[r] Ibid. June 3. Journals of Lords, June 5. Waller, p. 130 to 134.

CHAPTER IX.

KING SEIZED BY CORNET JOYCE.—NEGOCIATIONS BETWEEN HIM AND THE PRESBYTERIANS.—CHIEF OFFICERS OF THE ARMY ATTEND HIM AT CHILDERSLEY.—RENDEZVOUS AT NEWMARKET.—VANE AND OTHERS SENT DOWN TO THE ARMY.—RENDEZVOUS AT TRIPLOE HEATH.—COMMITTEE OF SAFETY.—ARMY AT ST. ALBANS.—CITY OF LONDON SUBMITS.—CONDUCT OF THE MILITARY LEADERS EXAMINED.

BOOK II.

1647. Joyce marches to Holdenby.

June 2.

BUT, however judicious this proceeding might be in itself, it now came too late. The plan of the leaders of the army had been settled some days before: and Joyce, in pursuance of the orders he had received, proceeded without a moment's delay from Oxford towards Holdenby, where he arrived on the very day on which Cromwel had withdrawn himself from the house of commons. The king was engaged in his ordinary diversion of playing at bowls, at Althorpe, when word was brought him, that a party of horse, the purpose of which was unknown, was seen marching towards Holdenby. Charles immediately broke off his

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amusement, and returned [a]. Joyce, with a party of seven hundred horse, drew near to the house at one o'clock in the morning, June the third. It presently appeared that the guards who had been planted there by the parliament to watch and protect the king, understanding that the party that was approaching was a detachment from Fairfax's army, with one accord declared that they would make no resistance against their brethren [b]. They accordingly opened their gates and received them as friends. At the hour of the morning when the king usually came from his chamber, he sent for Joyce, and desired a sight of the instructions he had brought with him. Joyce had in the mean time ordered that his troopers should be drawn up in the quadrangle of the house, and, turning to Charles, and pointing from the window, said, These are my instructions. The king, being no wise ruffled at what was passing, replied with a smile, Your instructions are written in very fair characters, and can be read without spelling [c].

1647. June 3.

Is brought to the king.

The next day the king left Holdenby, accompanied by his attendants, and the parliamentary commissioners, under the escort of Joyce, and slept that night at Hinchinbroke, the seat of colonel Edward Montagu, first cousin to the earl of Manchester, who made a distinguished figure

King proceeds to Hinchinbroke. June 4.

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[a] Herbert, p. 18.

[b] Journals of Lords, June 3, 4.

[c] Herbert, p. 22.

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1647. to Childersley. June 5.

in early youth in all the transactions of the commonwealth. The day following Charles passed to Childersley, a gentleman's seat near Cambridge, where for some days he received the complimentary visits of several dignitaries of the university, as well as of the chief officers of the army [d].—To return.

Negociations between him and the presbyterians.

While the dissentions were yet in progress between the army and the parliament, various secret negociations had been going on between the king and the leaders of the presbyterian party. It was a favourite maxim with Charles, not to trust himself with either of the parties into which his successful adversaries were divided, but rather to fight them one against the other, and by this means, if possible, to baffle and defeat them both. It had been a principle with the presbyterians in the preceding year, to insist on the royal assent to the propositions, which they always described as a whole, to be received by him or rejected, but on no account to be made a subject of treaty or debate. But now, that they began to feel themselves in awe of the army, and that the notion became familiar that, between these two, the king would give his suffrage to the party that offered him the best terms, they came down from their high ground, and expressed

[d] Journals of Lords, June 5, 8, 9. Rushworth, Vol. VI, p. 549. Herbert, p. 24, 25.

themselves willing to listen to his objections, and to enquire in what way he and they might be brought to a mutual agreement.

He desires to come to London.

Various emissaries from Charles, as well as from the queen and those of his ministers who had retired into France, were actively engaged in sounding the presbyterian leaders, as to what concessions they would make to the sovereign, and what in return they would insist upon from him[e]. The point on which he was most earnestly bent, was that he might come into unrestrained intercourse with the parliament, either by residing in London, or in one of his palaces near the metropolis: and this he demanded principally from the confidence he felt, that his presence with, or near vicinity to, the legislative body, would incalculably increase, both the number, and the devotion of his adherents. A treaty of all things he desired; believing, as he did, that when the conditions of a reconciliation came to be separately and successively discussed, the loyalty of the English nation would work wonders in his behalf, and that the crown being thrown into one scale would easily counterpoise any accumulation of scruples and obstacles in the other.

Letter of the king to the parliament. May 12.

These negociations having proceeded to a certain length, Charles judged it advisable on the twelfth of May, to address a letter to the speaker

[e] Bamfield, p. 22, 25.

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of the house of lords, to be by him communicated to the two houses, and to the commissioners of the parliament of Scotland, containing his answer to the propositions that had been offered him. The principal topics of this letter are four: first, his willingness to yield to the presbyterian church-government for three years; secondly, his consent that the military power should be in the two houses of parliament for ten years; thirdly, his recommendation of a general act of oblivion for political offences equally to all parties; and lastly, his earnest desire to be admitted to his parliament at Westminster, there to conclude all differences, and confirm a just and inviolable peace [f].

Vote of the lords, that the king should be brought to Oatlands. May 20.

This letter was received by the two houses on the eighteenth of May; and two days after it was moved and resolved in the house of lords, that the king should be removed to Oatlands, a royal residence sixteen miles from London, as soon as the place could be made ready for his reception; and the concurrence of the house of commons was desired to this measure [g]. But the rapid progress of the dissentions between the parliament and the army arrested any further proceeding on the subject [h].

[f] Journals of Lords, May 18. King Charles's Works.

[g] Journals.

[h] It was alleged by the army, that Joyce's enterprise was intended "to prevent the king's being conveyed away in a secret manner, which was justly suspected to be in contemplation." Rush-

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Such are the traces that remain to us of the negociations between the king and the presbyterians, prior to his removal from Holdenby. We need not doubt that the independents were equally active in endeavouring to secure his good will. The possession of his person was of the greatest importance to the deciding the superiority of the one party or the other; and an apparent good understanding was equally courted by both.

He is courted by the independents.

Charles seems at this time to have leaned considerably the most to the party of the army. He had had sufficient experience of the presbyterians; and that experience had not tended to conciliate his affections. The Scots' and the English presbyterians had been his jailors ever since his arrival at Newark. They had treated him with rigour: they had for the most part debarred the access of his friends to him: they had refused him his chaplains, and the forms of worship for which he declared his preference. Their intolerance was a source of perpetual vexation to him; and the covenant, which he cordially detested, was the theme of their incessant importunities.

Harshly treated by the presbyterians.

It is clear that the king departed willingly

Whalley sent to meet him on the road.

worth, Vol. VI, p. 513. This has been treated as a fable by the main stream of historians. But does the vote of the house of lords, May 20, afford no foundation for this? Does the flight of colonel Graves, commander of the king's guard, on the arrival of Joyce (Journals of Lords, June 4), yield it no countenance?

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from Holdenby under the conduct of Joyce [i]. When Fairfax understood what had happened, for he knew nothing of it till after the event, he immediately ordered a fresh regiment of horse to proceed with all speed for Holdenby [k]; but it was so contrived that this regiment was under the command of Whalley, a kinsman and devoted adherent of Cromwel. His directions from the general were to march without delay for Holdenby; but, if Charles were already removed, then to meet him, and by all means to reconduct him to the place from which he had been taken [l]. The king, however, resolutely refused to return; and, Whalley having met him near Childersley, this was the reason of his taking up his abode for a few days at that place [m].

He is addressed by the chief officers of the army.

Here, as has been said, he was waited on and addressed in the language of deference and courtesy by Fairfax, Cromwel, Ireton, and the other great officers of the army. This was highly agreeable to Charles, and formed a strong contrast with the cold and rigid measures of the presbyterians who had attended him at Holdenby. The presbyterians had obstinately refused all accommodation to his religious preferences, even in what related to his personal habits: the military loudly proclaimed that he was entitled to the same in-

[i] Herbert, p. 23.
[k] Journals of Lords, June 6.
[l] Ibid. June 8.
[m] Ibid. June 9.

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dulgence and liberal treatment in that respect, that they claimed for themselves. We may also be sure from what followed, that they flattered him with the idea that he should once more by their means be placed on his throne in the full possession of regal authority [n].

Rendezvous at Newmarket.

A general rendezvous of the army, at which it no doubt had been originally designed that the king should be present, took place in the vicinity of Newmarket on the fourth and fifth of June [o]. The idea however of bringing the king to the rendezvous was afterwards laid aside; and in consequence Charles was turned away from his route, and his abode for a short time fixed at Childersley. The principal transaction at the rendezvous, was the production of a solemn engagement, to be assented to and subscribed by all the officers and soldiers, by which they declared that they would cheerfully and readily disband, when required by the parliament, or else would, many of them, be willing, if desired, to engage in further service either in England or Ireland, having first such satisfaction given them in relation to their grievances heretofore presented, and such security that they and other the free-born people of England should not remain subject to the oppressions and abuses which had been attempted to be put upon them while an army, as should be

Engagement of the army. June 5.

[n] Bamfield, p. 17.

[o] Rushworth, Vol. VI, p. 504.

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agreed upon by a council, to consist of the general officers of the army, with two commissioned officers for each regiment, and two soldiers to be chosen by the regiments themselves: at the same time adding, that, without such satisfaction and security, they would not willingly disband or divide, nor suffer themselves to be disbanded or divided. They further disclaimed all purpose or design for the overthrow of magistracy, the suppression of presbytery, the setting up of independency, or any thing else than to promote an establishment of common right and equal freedom to all [p].—It was immediately after the forming this engagement, that the general officers waited on the king at Childersley, as has already been related.

Dismission of the present rulers demanded.

The inevitable result of these proceedings was a divided authority, each party assuming the control and direction of public affairs. The majority of the two houses of parliament had peremptorily embarked in the adventure to dissolve the army, as at present under the command of Fairfax and Cromwel. The army had on the other hand just come into an engagement that they would not disband, till their demands for themselves and the public were satisfied and secured. They looked further than this. It was one clause in the engagement, that they regarded the continuance of the same men in credit and

[p] Rushworth, Vol. VI, p. 510, 511, 512.

power, by whose counsels the army had been calumniated and oppressed, as a thing of which the public welfare would no longer admit. By the opportune direction of Cromwel, the army had gained the unspeakable advantage of having the person of the king in their hands.

Tumults. June 7.

It appears that, when the parliament reassembled on Monday, the seventh of June, the avenues of the two houses were beset with soldiers, who came there promiscuously and without any express direction for that purpose, to demand justice for themselves and their fellows. An order was therefore made for the suppression of tumults; and different members were sent by the commons to the private soldiers at the door of the house, to endeavour to appease their complaints. On the same day six commissioners were named from the two houses to go to the quarters of the army, to acquaint them with the progress parliament had already made in the measures designed for their satisfaction [q]. The chief novelty in this proceeding was the appointment of Vane, the special ally of Cromwel, to be one of the commissioners. Skippon was another. A letter was at the same time addressed to Fairfax, directing that the king should be reconducted to Holdenby [q].

Vane and others sent down to the army.

Parliament demands a guard from the city.

The house of commons also sent a message by three of their own members on Monday to the

[q] Journals, June 7, 8. Rushworth, p. 547. Whitlocke, June 8.

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lord mayor, and the committee of the militia of London, desiring that they would forthwith send a regiment, well appointed, that might be a sufficient guard to prevent any disturbance or interruption of the counsels of parliament: and the next day the speaker returned to them the thanks of the house for their ready compliance with this order[r].

Petition of the common council.

It was indeed a main source of reliance to the presbyterian party in parliament, that they had the corporation of the city of London, and a majority of its wealthy citizens entirely with them in the present conjuncture. Accordingly, on Tuesday the lord mayor and corporation presented a petition, desiring that all honourable means might be used to prevent the further effusion of Christian blood, and to afford just satisfaction to the army and all other soldiers who had ventured their lives in the cause of the parliament and kingdom, that, though the condition of affairs did not enable them presently to discharge all claims, yet the accounts of the army might be put into a certain way of payment, that the person of the king might be so disposed of that the parliaments of both kingdoms might have free access to him, and lastly, that an ordinance of January 1646 might be so far renewed, that the committee of the city-militia might be enabled to suppress

[r] Journals, June 7, 8.

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tumultuous assemblies, and prevent any dangers that might threaten parliament or the metropolis [s].

1647. Vote of the commons hostile to Cromwel, &c.

Two days after, a resolution was voted by the house of commons, which seems to have been specially pointed against Cromwel, Ireton, and other general officers of the army [t]. It was founded upon the second self-denying ordinance (in other words, upon the only ordinance of that denomination that had passed into a law [u]), and is chiefly remarkable for the time at which it was brought forward. That ordinance directed, that the benefit of all offices, being neither military nor judicial, hereafter to be granted by authority of both or either house of parliament, should be applied to public uses only, and that the grantees and persons executing such offices should have no profit out of their offices, other than such salary as parliament should appoint [w]. The present resolution ordered, that the profits of all grants, indiscriminately, of any office or place, lands, tenements, or hereditaments, to any member of the house of commons, should be paid into the chamber of London, and disposed of as parliament should appoint.

King at Newmarket. June 8.

On the eighth of June the king removed by his own desire from Childersley to his house at

[s] Journals of Commons, June 8. Of Lords, June 10.

[t] Journals, June 10. Lawmind, Putney Projects, p. 7.

[u] See above, Vol. I, p. 409.

[w] Journals of Lords, April 3, 1645.

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1647. Rendezvous at Triploe Heath. June 10.

Newmarket, and the rendezvous of the army was consequently fixed to be two days later, at Triploe Heath, near Royston [x]. Here Vane and the commissioners met them, and read at the head of each regiment the votes which had been passed by the two houses on the third and fifth of June for their satisfaction. But an officer for each regiment rejoined, as in the last preceding instance, that an answer could not be given, as to whether the complaints of the army were removed by these votes or not, till they had been perused by certain select officers and agitators whom the regiments had chosen [y].

Letter from the council of war to the lord mayor. June 10.

On the evening of the same day a letter was dispatched from the head-quarters at Royston to the corporation of the city of London, signed by Fairfax, Cromwel, Ireton, Lambert, the two Hammonds, Rainsborough, Harrison, Desborough, Pride, Nathaniel Rich, Robert Lilburne and sir Hardress Waller, being thirteen of the principal officers of the army. The tenour of this letter was to announce the approach of the army towards the metropolis. It stated their desires for the settlement of the peace of the kingdom, and of the liberties of the subject; and alleged that they had in their judgment as much right to desire and demand a happy settlement, as they had

[x] Rushworth, Vol. VI, p. 549, 551.

[y] Ibid. p. 556. Whitlocke, June 11. Waller, p. 143, 144.

to their money, or to other matters connected with their common interest as soldiers. They declared that they desired no alteration of the civil government, or in any way to interfere with the presbyterian government of the church, but only that every good citizen, and every man of blameless conversation, or who was beneficial to the commonwealth, might enjoy liberty and receive encouragement. They fervently professed that they meditated no evil towards the city, and that, if the corporation did not make common cause with their enemies, they should not sustain the smallest injury. They would wait where they were, or remove to a further distance, as soon as they should be assured, that the settlement they desired was at hand. They observed, that the wealth of this rich city might seem an enticing bait to poor, hungry soldiers; but they protested that, unless they received provocation, they would cheerfully shed their blood in protecting the metropolis. They came not to do any act to prejudice the being of parliaments, or to the hurt of the present; but, rather than they would be wronged in the matter of their honesty and integrity, which had suffered by the men they aimed at and desired justice upon, and want the settlement of the kingdom's peace, and their and their fellow-subjects' liberties, they would lose their all. They concluded with stating, that if, after this warning, the citizens, or any consi-

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derable part of them, should be seduced to take up arms against their just undertakings, they trusted they had freed themselves from all blame in the ruin which might in that case befal this great and populous city [z].

Advance of the army forbidden by parliament. June 11.

At twelve o'clock the next day, Friday, this letter reached the lord mayor, who immediately convened the common council, and by them a petition was agreed upon, and without delay presented to the two houses of parliament, intreating the legislature that they would send to Fairfax not to quarter his army or any part of it within twenty-five miles of the metropolis. A letter was accordingly dispatched, specifying the distance of forty miles as that beyond which he was not to advance [a].

Committee of safety appointed.

Parliament proceeded at the same time to take such measures as they judged to be most effectual, to repel force with force, if necessary. They voted, that there should be a committee of lords and commons to provide for the safety and defence of the kingdom, parliament and city, with power to raise horse and foot for that purpose, and that this committee should be empowered to act for one month and no longer. There was a difference of opinion between the two houses as to who should be members of this committee. The lords voted that the committee for Irish

[z] Journals of Lords, June 11. [a] Ibid

affairs sitting at Derby House, should be constituted a committee of safety; but the commons proposed that an entirely new committee of twelve lords and twenty-four commoners should be named for the occasion: and this opinion finally prevailed [b]. It was also determined that the committee should call in, if they thought fit, the regiments of colonel Graves and sir Robert Pye, together with such soldiers, whether horse or foot, as on this critical occasion divided themselves from the army, to be employed on the present emergency [c].

Preparations for the defence of London.

This shew of resistance continued however for a very short time. The head-quarters of the army were removed the next day from Royston to St. Albans, only twenty miles from London [d]. Upon this news the citizens speedily took the alarm.

Army at St. Albans. June 12.

Irresoluteness of the citizens.

[b] The administration of the executive government had been at various times intrusted to different agents. At the commencement of the civil war a committee of public safety had been chosen. See Vol. I, p. 19. This body had afterwards been superseded for the committee of both kingdoms. See Vol. I, p. 321. Again, as the union between England and Scotland began to relax, it was for the most part to the lords and commons of England that were of the committee of both kingdoms, that the parliament referred the questions of executive government. When however, in consequence of the plan for disbanding the army, and drafting off a large portion of it for the service of Ireland, the committee for the affairs of that country, appointed July 1, 1645 (Vol. II, p. 159), became of primary importance, this body seems to have been looked to on a majority of occasions, as the administration.

[c] Journals, June 11. [d] Journals of Lords, June 12, 13.

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The nation had now been involved in war for several years; and the city had shewn itself sufficiently warlike and resolute, when the king marched against it with the hope of taking them by surprise in the autumn of 1643. But at that time the parliament was at the height of its popularity, and the inhabitants were united, almost to a man, against episcopacy and the sentiments of absolute government Charles was well known to entertain. The plan which was now formed of putting down one army by another, the army which had gained the cause and conquered the despots and his followers, by another army which should be more pliable to the presbyterian leaders, could never be very extensively popular. The military leaders, Fairfax, Cromwel and Ireton, were in the very zenith of their glory. Though the great majority of the citizens were presbyterian, and consequently intolerant, sentiments of a more liberal nature, patronised by such advocates, were daily increasing in the number of their adherents. The corporation was on the whole perhaps sufficiently disposed to support the prevailing party in parliament; but they were not all prepared to make great sacrifices, and suffer bitter privations, for the benefit of that party. They revolved therefore a second time the perilous situation in which they stood; the friends of the army and of toleration took advantage of their suspense; and a new court of common coun-

cil was summoned the next day to that on which they had petitioned parliament against the army, to reconsider the conduct it became them to pursue.

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Submission of the metropolis. June 12.

It was there resolved to send a deputation of four aldermen and seven considerable citizens to wait on the commander in chief. They were the bearers of a letter from the common council, in which that body disavowed the raising any forces, or the taking up arms, to hinder the army from obtaining their just demands. The precautions they had adopted were merely designed to counteract any unlawful violence, which might occur without the army's having intended it. They professed their deep sense of the good deserts of that body, and assured them that they had been, and always should be anxious that their claims should be granted, and their grievances redressed. In consideration of the sympathy and amicable sentiments thus expressed, they made it their request to the commanders of the army that they would forbear taking up their quarters within thirty miles of the metropolis [e].

Approved by the house of commons.

Previously to the departure of the deputation for the head-quarters of the army, they attended the house of commons, and requested their approbation of the step they were about to adopt, which was given them [f]. It is impossible to pro-

[e] Rushworth, Vol. VI, p. 557.

[f] Journals of Commons, June 12.

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nounce with certainty whether the presbyterian leaders in parliament were in any way concerned in originating this letter. At any rate they felt that it was impracticable for them to proceed hostilely in this emergency, if divided from the city, which was the very focus and strong hold of the presbyterian party.

Conduct of the military leaders examined.

It will ever be a momentous and a difficult question upon the principles of moral rectitude and public justice, how Cromwel and the leaders of the army ought to have acted on this occasion.

Unworthy conduct of the ruling party in parliament.

Nothing can be more indubitable than the unworthiness of the proceeding of the ruling party in parliament. There was nothing direct and manly in whatever they did. Their favourite reasoning was, that the war was at an end, and there was no further occasion for the army. But their whole conduct belied their assertion. The royal party was not so beaten down, as not to be an object of the most incessant jealousy. The majority in parliament had voted to keep up in England a large body of horse, and a considerable number of garrisons. They had voted a large army to be transported to subdue the resistance of Ireland. They were looking out on all sides for recruits and new soldiers. Their quarrel was not with an army, but with the army which had obtained the victory that the votaries of liberty so much desired. They feared them as the friends of toleration, and the enemies of that lordly and

oppressive junto which at this time ruled the nation. They were anxious not merely to disperse them, but to put upon them every species of obloquy and injustice. They refused to provide for their arrears, and were desirous to load them with disrespect and affronts. If provocation could justify resistance, never could any resistance be more amply justified than that of the followers of Fairfax.

True state of the question.

But this is not the view in which the subject ought to be considered. Anger and passion are not the principles by which nations and states should be guided; and men to whose care the interests of others are intrusted must discard these feelings, or they will prove themselves unworthy of the situations they occupy. The sole consideration to which conscientious public men were bound to turn their attention then, and which calls for the judgment of an impartial posterity now, is what conduct the general welfare demanded from those by whose proceedings that welfare would be materially affected. Ought they to have yielded to the injustice which the parliament was desirous of putting upon them? There is a point at which submission ceases to be a duty, and resistance is a virtue. Was that point arrived in the present instance? It is a dangerous undertaking, to set ourselves in open defiance of the highest constituted authority, in a country which boasts of its freedom. The function

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of the king, the executive government of England, had been shaken to its basis, by the civil war, and the issue of that war. The parliament had won itself immortal honour by the deliberate and majestic tone which had marked its proceedings in the commencement of the contest: it was still the same assembly. After putting down the authority of the king, was it wise, was it justifiable, to proceed to put down the authority of parliament? The house of commons was a body chosen by a numerous set of constituents, was the authentic representative of the nation. What was the army? Certainly not a body constituted for the purposes of legislation. They were for the most part an assemblage of volunteers, who had been encouraged, and endowed with authorities by the parliament, to fight their battles. If they attempted to decide, and overbear the measures of the legislature in civil affairs, they were, for that purpose, merely a self-constituted authority. Nothing but the most uncontrolable necessity could justify, if that could justify, their interference for such purposes.

Not to be decided by ordinary rules.

Perilous however as the crisis was at this period, and much as the system of our political government had been shaken, this in one point of view furnishes a new consideration, persuading the army to hold out firmly for the points which they deemed inseparable from the public welfare. In ordinary times the authorities which custom

has sanctioned carry with them the greatest weight. The present parliament had sat already for nearly seven years, a period unprecedented by any former example, and was therefore not such a parliament as the English constitution recognised. They had engrossed the executive, and all other public and political authorities within their own sphere. They had abundant means to corrupt others, and to corrupt themselves. They had existed long enough to have afforded a regular arena for the machinations of party; and the period of their dissolution was yet unproclaimed.

Principles of the ruling party in matters of religion.

But the most material question is to consider what sort of a party had for several months past engrossed to themselves the direction of the measures of parliament. It was a party, that in point of religion was presbyterian, and that, in concert with the Scots, had resolved that God should be worshipped only in the precise form that their system prescribed. They were earnest to put down all separate congregations. They had originated a law to extinguish heresy and blasphemy by the gallows[5]. It is therefore fair to say, that the English nation had gained very little by the exchange of the episcopalian for the presbyterian system. In politics the temper of this party was of the same cast as it was in religion.

in matters of political resort.

[5] See above, p. 254.

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Its leaders were rich men, and closely allied to some of the most eminent of the nobility. They were the friends of privilege, and were firmly persuaded that the rich and great are entitled to dictate to the rest of the community, collectively and separately. They hated the incroachments of royalty, because these incroachments interfered with their privileges; but they hated not less the fearlessness and masculine temper of mind which was growing up in the middling and lower orders of the community. The generous and animated tone therefore which pervaded the present generation of Englishmen, would be neutralised and made useless under their direction: nay, they would be careful, as soon as possible, to make the causes of the present excitation forgotten, and to bring things back into the dull and lethargic course which had marked the earlier periods of our history, and which was still prevalent in Scotland. Instigated by these considerations, they relied much on the alliance of the king to carry their projects into effect. Last year they had voted propositions to be sent to him for his entire acceptance or rejection, refusing all treaty, and alleging that his ill faith rendered all attempts at negociation in the highest degree perilous. Now they adopted a different policy, and voted that the king should be brought near to the parliament, that their correspondence with him might be the less interrupted.

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1647. Equipoise of parties in the house of commons.

Another particular which well deserves to be considered in order to enable us to make a just judgment of the present crisis of public affairs, is the state of debate and divisions in the house of commons. If the parliament had been decidedly presbyterian, and the army independent, this would have produced a still more portentous state of things than that which actually existed. But the struggle had been violent and severe between the two parties from the time of the new model in 1644 to the present. For a considerable period the interest of the independent party prevailed; but, towards the close of the year 1646, and particularly during the negociation with the Scots for the surrender of Charles, and the evacuation of England by the Scottish army, the presbyterians gained the upper hand. Still the contest from day to day was sharp, and the presbyterian measures were carried by the smallest possible majorities. It was a mighty effort on both sides; and numerous no doubt were the consultations and canvassings by means of which the independents expected to make the cause of the army, of justice and liberality, triumphant. But they were reserved to perpetual disappointment. They had the troops at hand, by means of which in a moment they could secure the victory. They had only to throw the sword into the scale. Should they for ever submit to injustice, intrigue and persecution, because in the counting of numbers they were

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still a little inferior to their adversaries? It is for the impartial and disinterested judge of man and of human affairs to decide this question. The ascendancy of the presbyterians was so very slight, that Cromwel and his confederates thought that by the impeachment of ten or twelve leaders, and disqualifying their votes, the schemes of the presbyterians would be made wholly abortive.

Considerations respecting the dissolution of parliament.

We will take for granted that it was desirable, that the ascendancy of these unjust and persecuting leaders should be removed. The next question was, how this should be done with the least degree of concussion and violence. The constitutional remedy for the evil was by a dissolution of parliament. But to a dissolution the consent of the two houses, and the concurrence of the king, were necessary. Beside that in the present state of public affairs a general election was a dangerous experiment. Even in the partial elections which had taken place for the purpose of filling the house with members, many royalists had been brought in. It was but seven years since Charles had reigned an absolute king. For thirteen preceding years he had governed without a parliament. Under James and the Tudors the government had leaned in a considerable degree towards despotism. The mass of mankind, without cultivation and without reflection, incline for the most part to the institutions with which their fathers lived, and under which themselves were born.

Add to which, Charles was unfortunate, defeated, and a prisoner. The human heart is prone to pity. To see a man, destined by his birth to a station so high that few men are able to comprehend it, and that most of us, especially in an age in which knowledge was so little diffused, look upon with a superstitious awe,—to see such a man, stripped of his honours, scanted of his luxuries, and placed under the command of others, is sure to create for him among the middling and the low many friends. Nor must we forget the contagion that grows out of a court, the numbers of men who would expect to be gainers by the restoration of the king to his prerogatives; they and their followers would all swell the multitude of his supporters. The people of England at this day understood, or thought they understood, the worth of an unornamented, pure and fervent religion, and its preferableness to the hierarchy patronised by Henry and Elizabeth; but they were very imperfect judges of the value of uncorrupt political institutions, and the advantages that are afforded by civil equality. Now certainly it was not to be expected, that those who for seven years had successfully and nobly struggled against the usurpations of the crown, would consent by a general election to place themselves at the mercy of their enemies, to be robbed of all their dear-earned immunities, and to be subjected to punishment where they had justly acquired for them-

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selves never-fading glory and renown. Few men of a liberal spirit would have been satisfied, that by an appeal to the body of electors through the kingdom, and partly by the strength of the boroughs in Cornwal, all the advantages gained by the civil war should be cast down in the dust, and the dawn of energy and virtue, which had risen on our country, should be for ever obscured by the darkness and clouds of an arbitrary government.

Necessity imposed on the leaders of the independents.

But all these reasonings as to a dissolution, are useless in the present case. We have seen how the matter stood in that respect after the battle of Naseby[h]. There were many considerations that rendered a dissolution desirable at that time, if it could have been effected. But it could not: and therefore parliament wisely had recourse then to the more imperfect remedy which was in their power. At that time we have reason to believe that a majority of the house of commons would have consented to a dissolution, if it had depended on their consent. But how stood the matter now? The evil to be removed was, that a majority of the house of commons was hostile to the true welfare and interests of the nation. Then, to effect a dissolution, they only wanted the concurrence of the king. Now, they needed every thing. Of consequence, Cromwel and his coadjutors had no choice. They must either surrender at once all

[h] See above, p. 30 to 34.

the prospects of virtue and felicity, which opened before them, and which they seemed called on to realise; or they must, with sobriety and caution, but without hesitation, adopt such measures, and use such instruments, as offered themselves to their hands.

CHAPTER X.

DECLARATION OF THE ARMY.—ELEVEN MEMBERS ACCUSED. — UNFAVOURABLE VOTES OF THE PARLIAMENT.—THEY INVITE THE KING TO RICHMOND.—ARTIFICES OF CROMWEL.—KING IS LIBERALLY TREATED.—NEGOCIATIONS BETWEEN THE ARMY AND THE PARLIAMENT.—KING VISITED BY HIS CHILDREN. — FORCES UNDER POYNTZ DECLARE IN FAVOUR OF THE ARMY OF FAIRFAX.—DISPUTE RESPECTING THE COMMITTEE OF THE LONDON MILITIA.—ENGAGEMENT OF CITIZENS.—THE ELEVEN MEMBERS WITHDRAW.—TUMULTUOUS FORCE PUT UPON THE TWO HOUSES OF PARLIAMENT.

BOOK II.

1647. Declaration of the army. June 14.

Two days after the appointment of the deputation from the city to wait on the commander in chief, a declaration was prepared on the part of the army at St. Albans, and addressed to the parliament, the object of which was to specify the various heads of the reform, which they desired, and held to be necessary for the public welfare. The first of these was the purging the house of commons of such members, as for their delinquency [adherence to the king in the late war], or for corruptions, or

abuse to the state, or undue elections, ought not to sit there: this mischief they imputed principally to the late elections in Cornwal, Wales, and some other parts of the kingdom. Secondly, they required that those persons, who in the unjust and high proceedings against the army, appeared to have had the credit to mislead both parliament and army, might speedily be disabled from doing the like; and that for that purpose the same persons might not continue in the same power, but be rendered incapable of it in future. Thirdly, they desired that some determinate period might be set for the continuance of the present and future parliaments, beyond which none should continue, and upon which new writs should issue of course. They added, that by this they did not mean to call for a present or sudden dissolution of this parliament; but that sufficient time should be given for providing what was wanting, and was necessary to be passed in point of just reformation, and for securing the rights and liberties, and settling the peace, of the kingdom. Fourthly, they demanded that future parliaments should be made not adjournable or dissolvable at the king's pleasure, or any other wise than with their own consent, except at those periods which the law prescribed for the close of one parliament, and the commencement of another. These things they desired should be provided for by bill or ordinance of parliament, to which the royal assent

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might be required; and, when the king, in these things and what else might be necessary for securing the rights and liberties of the people, and settling the militia and peace of the kingdom, should have given his full concurrence, they then should desire that the rights of the crown should be considered, so far as might consist with the rights and freedom of the subject, and the security of these objects in future. Lastly, they recommended that, public justice being first satisfied by some few examples of the worst offenders, some course might be taken by a general act of oblivion, for removing the seeds and occasions of future war, and allaying those fears of possible undoing, which might otherwise drive men to desperate ways for self-preservation or remedy,—and for taking away, as far as might be, the very remembrance, as well as distinction of parties [a].

Eleven members accused. June 16.

On the fifteenth of June this declaration was transmitted to the house of commons; and the

[a] Rushworth, Vol. VI, p. 564 to 570. Whitlocke, June 16, says, "In these declarations and transactions of the army, colonel Ireton was chiefly employed, or took upon him the business of the pen. And, having been bred in the Middle Temple, and learned some grounds of the laws of England, and being of a working and laborious brain and fancy, he set himself much upon these businesses, and was therein encouraged and assisted by lieutenant-general Cromwel, his father-in-law, and by colonel Lambert, who had likewise studied in the inns of court, and was of a subtle and working brain."

next day the heads of a charge were submitted in the name of the army against eleven principal leaders of the presbyterian party in that house, Hollis, sir Philip Stapleton, sir William Lewis, sir John Clotworthy, sir William Waller, sir John Maynard [b], general Massey, colonel Harley, colonel Long, Glyn, recorder of London, and Antony Nichols [c].

Accommodation between Fairfax and the metropolis.

In the mean time the deputation from the city had made their peace with Fairfax, and had agreed that all orders for the listing of soldiers, more than the train bands and the usual auxiliaries of the metropolis, should be recalled; and on the sixteenth, previously to the delivery of the charge from the army against the presbyterian leaders, they made a report to the house of commons of what they had done, in consequence of which the two houses agreed to revoke and annul the orders that had been given for extraordinary defence [d].

Preparations for defence revoked.

Army continues in quarters at St. Albans.

The presbyterian leaders displayed on this occasion the irresolution that is the usual characteristic of ordinary minds. Though stripped of

[b] Some writers, particularly Oldmixon, have confounded this person, sir John Maynard, knight of the Bath, brother to the first, and uncle to the second lord Maynard, and member for Lestwithiel, with Maynard, the celebrated lawyer, member for Totness, and who was for a short time one of the commissioners of the great seal to king William.

[c] Journals. Rushworth, Vol. VI, p. 570.

[d] Journals of Commons.

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their ally in the corporation of London, they could not resolve to give up the contest. They determined to watch their opportunities, and to carry that, if possible, by indirect and underhand means, which they could not hope to accomplish by force. But they were overmatched by the consummate ability of their adversaries. The heads of the army conducted themselves with exemplary moderation, and, having disarmed the hostility of the capital, were contented to remain at St. Albans from the twelfth to the twenty-fourth, believing that time alone was wanting to work such a revolution in the parliament as they desired. But in this they were disappointed, inasmuch as they built upon a portion of manliness and good sense in their opponents with which they were not endowed. The two houses voted that the king should be removed to Richmond [e], eight miles from London, at the same time that they renewed their orders that the army should not approach within forty miles [f]: but this was a trap too gross for it to be possible it should answer any effectual purpose. At the same time they secretly carried on those measures for enlisting soldiers with a view to resistance, which they publicly revoked [g]. They appointed a day for taking into consideration the declaration of the

Unfavourable votes of the parliament.

King invited to Richmond.

[e] Journals, June 15. Ibid. June 17.

[f] Journals of Lords, June 24.

army [h]; but the resolutions they adopted were such as were calculated to defeat the objects of that declaration. Finally, they voted, that it did not appear that any thing had been said or done within the house of commons by any of the eleven members, for which the house, as they were desired by the army to do, could in justice suspend them from their functions as representatives in parliament [i].

Army retreats to Berkhamsted. June 24.

The day previous to this vote the army had retired from St. Albans to Berkhamsted [k], twenty-seven miles from London, having before their retreat issued an ample remonstrance, in which among other things they fixed an early day, by which if they did not receive some assurance and security for a safe and hopeful proceeding in the ordinary way, they declared the necessity that would be imposed on them to take such extraordinary courses, as God should enable them to fix upon, and direct them to adopt [l]. Accordingly news was no sooner brought to them of the vote of the twenty-fifth, than without the smallest delay they advanced their head-quarters to Uxbridge, while several of the regiments had pushed on their march to Harrow, Brentford, and other places still nearer to the metropolis [m]. The consequence of this was an instant application

Advances to Uxbridge. June 26.

Eleven members withdraw.

[h] Journals of Commons, June 21, 23.
[i] Ibid. June 25.
[k] Rushworth, Vol. VI, p. 592.
[l] Ibid. p. 585 to 591.
[m] Ibid. p. 593.

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made by the eleven members to the house for leave to absent themselves from their places [n].

1647. King inclines to the parliament.

The king is reported, when he received the invitation of the two houses of parliament to repair to Richmond, to have expressed his determination for an immediate compliance, and to have added, that if any one should presume to lay hold on his bridle to stop him, he would endeavour to make that the last act of the life of him who obstructed his passage [o]. Alarmed at so resolute a declaration, Cromwel seems to have set himself immediately to change the frame of mind that led to it. Cromwel excelled all men in those arts, which are calculated to gain over the will of the persons upon whom they are exercised. He possessed an entire insight into the preferences, the partialities, and the foibles of those with whom he had to do. He had a plain sincerity, or what had all its appearances and symptoms, and an earnestness, which it was next to impossible to resist. He was not eloquent, at least not according to the rules of art, and with that oily smoothness, which with its silvery and melodious tones is accustomed to make its way to the heart. But he contrived to draw an advantage from that very defect:—every one was apt to say, this man is guileless and direct; he has no suppressions and trick; and we may trust him.

Address and manners of Cromwel.

[n] Journals, June 26.

[o] Waller, p. 157.

1647.

The plan which Cromwel had recourse to, was suggested by the faults committed by the presbyterians. They were essentially narrow and illiberal in their measures. The king, they said, was misled by evil counsellors; they would therefore suffer none to be about him but those of their own party. He was rendered obstinate by the sophisms and suggestions of bigoted churchmen; they would therefore allow none to attend him but bigots of the presbyterian school. The indignation of the royal mind was vehement against this subjection. Cromwel therefore resolved to throw open the doors of the royal closet at once to every one the king desired to see. The two plans proved at once the sincerity, however injudicious, of the presbyterians, and the duplicity of Cromwel. He cared not how much Charles was misled. If his favoured counsellors were all to a man the spaniels of despotism, so much the better. If his chaplains taught him, that by rendering himself the martyr of episcopacy he would earn a crown of glory hereafter, this also suited the purposes of Cromwel. It made Charles grateful and friendly to the leaders of the army at present, and disqualified him from reigning over the English nation, with its existing character and dispositions, hereafter.

Opposite systems of conduct of Cromwel and the presbyterians.

In pursuance of this scheme of proceeding, Sheldon, afterwards archbishop of Canterbury, and Hammond, his favourite chaplains, were ad-

Charles's chaplains and friends permitted to visit him.

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mitted to the king's presence at Royston [p], being the first stage at which he rested, after having left Newmarket on his road to Richmond. From Royston Charles proceeded to Hatfield, where he was further gratified with the society of his kinsman, the duke of Richmond [q]. The presbyterians in the mean time, fearful of urging matters to too dangerous a crisis, no sooner heard that Charles had consented to remove to Richmond, than they passed a vote in both houses, desiring him, in consideration of some things that had lately fallen out, to stay at Royston, or return back to Newmarket [r].

Parliament desires the king to halt.

Meanwhile the commissioners with the army, alarmed at their near approach to the capital, the head-quarters being at Uxbridge, applied to the general for information upon what terms he and his council would agree to draw off the forces to a greater distance: and in answer to this a paper was given in by the hands of Ireton on the twenty-seventh, in which the council of war noticed with approbation the withdrawing of the eleven members, and proceeded to state, as the measures instantly necessary, that the declaration inviting the soldiers to desert from the army should be recalled, that the listing and raising of new forces

Negociates with the army.

[p] Journals of Lords, June 24, 28.

[q] Ibid. June 28.

[r] Journals, June 24.

should be effectually suppressed, that the maintenance of the army till the matters now in debate were arranged should be voted, and that the king should not be desired to reside nearer to London than the head-quarters of the army might be at the time [s].

Votes in favour of the army adopted.

In compliance with these demands it was next day voted by both houses, that no officer or soldier should henceforth leave the army without special licence from the general, and that parliament recognised the army as their army, and would make speedy and effectual provision for its maintenance and support [t]. These concessions however were plainly made with the utmost reluctance; and to balance them it was at the same time determined that the duke of Richmond, with Sheldon and Hammond, should be removed from attendance on the king, and that his residence should once more be transferred to Holdenby [t]. Many of the independents joined the presbyterians in these votes, the policy of the party being to complain bitterly in parliament against those indulgences to the king, which it had been secretly arranged should be granted him by the leading members of the army [u].

Votes hostile to the king's chaplains and friends.

Army removes to Wycombe.

The day subsequent to that on which these concessions were voted by the two houses, the

[s] Journals of Lords, June 28.

[t] Journals.

[u] Bamfield, Sect. 53.

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head-quarters of the army were removed from Uxbridge to Wycombe [w]. But such was the instability and fluctuation of the presbyterian leaders, that an effect unfavourable to the views of the army party was immediately produced. It was no sooner heard of in the capital, than the same day ten of the eleven members (Glyn temporised, being unwilling to break all measures with his opponents [x]) petitioned that the charge against them might be speedily brought to trial; and accordingly an early day was fixed, on which their accusers were required to produce the particulars of whatever might be alleged against them [y]. This vote was ordered to be signified to the council of war by the commissioners of the parliament residing with the army; and in the mean while several of the accused members resumed their seats. They wanted the firmness either resolutely to resist, or handsomely to quit the field to their opponents. They relied somewhat on the presumed neutrality and bounteous spirit of Fairfax, and hastily inferred from the retreat of the army, that the general was entering upon a new course, and had determined to check the violence of his followers. Upon this slight ground they resumed their spirits, and began again in fancy to anticipate a triumph [z].

Ten of the accused members petition for trial.

[w] Journals of Lords, June 30.
[x] Whitlocke, June 29.
[y] Journals of Commons, June 29.
[z] Clarendon, Vol. III, p. 51.

CHAP. X.

1647.

On the first of July the king was allowed to go and pass a day or two at his royal castle at Windsor [z]. Every where that he went, care was taken that preparations should be made for his reception, not inferior to what had been customary in a royal progress [a]. On the same day a vote was passed by the commons, and the day following by the lords, agreeably to the sense of the army, that no place should be appointed for Charles's residence, nearer to the metropolis than the quarters of the army should be allowed to be [b]. The first act of the council of war at Wycombe was to name a commission of ten persons, Cromwel, Ireton, Fleetwood, Rainsborough, Harrison, sir Hardress Waller, Rich, Lambert, Robert Hammond and Desborough, to treat with the commissioners of the parliament upon the papers which had been sent from the army, and the votes which had been adopted by the two houses in relation to the army's desires [c]. The commissioners for the parliament were Howard earl of Nottingham, lord Wharton, Skippon, Vane, sir Thomas Widdrington, White, Scawen and Povey [c]. The representatives of the army were perhaps to a man republicans; no rational doubt in that respect has ever been entertained of Ireton, Rainsborough and Harrison. Several of the commis-

King at Windsor.

Further negociation.

[z] Journals.
[a] Clarendon, Vol. III, p. 50.
[b] Journals.
[c] Journals of Lords, July 2.

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sioners for the parliament were of the same party; and in particular Vane: nor was there any want of ability in several of the persons to whom on one side and the other the business was intrusted.

Irresoluteness of the presbyterians.

The point that was specially urged on the part of the army, as preliminary to every other question, was that all proceedings that tended in any degree to the raising any new forces in opposition to the forces under Fairfax should be unequivocally revoked[d]. The presbyterians however contented themselves with voting, that all those officers and soldiers, who, in consequence of the allurements that had been held out to them, had come off from the army, should either be sent over into Ireland without delay, or be disbanded, and with bringing in an ordinance, forbidding tumultuous assemblings of officers and soldiers near the houses of parliament, and commanding that all officers and soldiers, pretending to be disbanded, and not having their usual residence in London and Westminster, should depart the metropolis[e]: but they were by no means eager to carry these measures into execution. They were in fact secretly endeavouring by all means to collect and marshal a force, with which they hoped in case of the worst to defend the

[d] Rushworth, Vol. VI, p. 603, 626.

[e] Journals of Commons, June 29. This ordinance passed into a law, July 9.

city, and successfully repel the hostilities of Fairfax's army.

1647.

The charge against the eleven members in all due formalities was exhibited by the army, agreeably to the vote of the commons, on the sixth of July; and it is observable that on this occasion the term, impeachment, is expressly employed [f]. Having been for two days a subject of debate, it was resolved on the twelfth, that on that day week the accused members should be called on for their defence [g]. At the appointed time the eleven, being all of them present, put in their answer, which was in the form of what the law calls a demurrer, a measure not particularly indicative of spirit in the defendant, but rather calculated to produce adjournment and delay [h]. Counsel was assigned to the accused [i]; and the affair bore every appearance of being not likely to come to a speedy conclusion. In fact neither party was desirous of bringing the affair to a regular issue; the military leaders were persuaded that their purpose would be answered, if the main supporters of the presbyterian interest were driven from the field; and the eleven on the other hand believed that, as long as they were present to direct the debates, they should always secure a majority in their favour.

Charge against the eleven members exhibited.

Their answer.

[f] Journals. [g] Journals.

[h] Ibid. July 19. Whitlocke, *ejusdem diei*. Rushworth, p. 626.

[i] Whitlocke, July 12. Rushworth, p. 612.

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1647. Correspondence of Cromwel with the king's friends.

In the mean time Cromwel, or, to speak in the language of contemporary writers, Cromwel and Ireton, proceeded in those measures, which they felt best calculated to secure the triumph of the party of the army. The even balance of the contending factions made the personal presence and the voluntary dispositions of the king a subject of earnest rivalship; and Cromwel, beside other advantages he possessed in this contention, derived no small benefit from the liberality of his creed on the subject of religious controversies. We have seen that he determined at a critical moment to indulge Charles with the presence, and the exercise of the official rites of the episcopal church, of Sheldon and Hammond, and the personal intercourse of the duke of Richmond. He next looked round among the political partisans of the king, in like manner resolving to derive advantage from their interference. He considered, that the very circumstance of their being indebted to him for their access to Charles, would inspire them with a leaning to his suggestions; and he did not fail, previously to their admission to the royal prisoner, dextrously to impress them, by means of that kind of eloquence in which he so eminently excelled, with a persuasion, how much more the king would find it for his interest, to throw himself upon the generosity of the army, than of the presbyterians. He protested, that there was nothing he had nearer his heart than the restoration

of Charles to his authority as sovereign, upon moderate and equal conditions; and he warned them of the danger the king would incur, if he attempted to tamper, and play a double game with both parties, by means of which he would infallibly lose them both. Now was his time. His countenance would be of the greatest advantage to the council of war in the present contest: and, if he cordially cooperated with them at so critical a moment, they would not fail to repay the obligation with interest.

Ford, Denham, Berkeley, Ashburnham, and Legge.

The persons that with these views were admitted to the king, one after another, were sir Edward Ford, Denham, Berkeley, Ashburnham, and Legge[k]. Ford was a Catholic who had married the sister of Ireton; Denham was the celebrated poet of that name, who possessed much of the queen's confidence; and Legge was an individual who had rendered himself eminently obnoxious, in the conspiracy which was formed for bringing the army from the north to disperse the parliament, previously to the commencement of the civil war. Ashburnham had for the last two years enjoyed a greater portion of the confidence of Charles than any other individual, and had accompanied him in his flight from Oxford to Newcastle; and of Berkeley we have the ad-

[k] Berkeley, p. 4. Lawmind, Putney Projects, p. 12.

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vantage of possessing his own narrative of his conduct during this critical period[l].

1647. Proposed interview of the king and his children.

The next step which Cromwel took to conciliate the good will of the king, was to procure for him an interview with his children. Charles had not seen his youngest son, the duke of Gloucester, now of the age of seven years, and the princess Elizabeth, twelve years old, since the commencement of the civil war, when he left London in January 1642, nor the duke of York, aged fourteen, since he quitted Oxford to repair to the Scottish army at Newark. On the last day of June Fairfax wrote to the house of lords, stating that the king purposed to be at Windsor the next day, in the hope that his children should meet him there[m]; but the interview did not then take place. Charles, as we may suppose not unwillingly, at this time attended the army in all its movements: when the head-quarters were at Wycombe, he went to Windsor; and, when the army removed to Reading, July the third, he took up his residence at Caversham, a seat of lord Craven. After-

King at Caversham.

[l] The authenticity of Berkeley's narrative comes strongly confirmed to us, by the circumstance of its being incorporated by Ludlow in his Memoirs for forty pages together, from p. 195 to p. 236. He however plainly shews, that he considers Berkeley as the dupe of the independent leaders. Ashburnham has also left a narrative, which the reader will find quoted in Collins's Peerage. I applied for the use of this narrative which still exists in manuscript, but it was politely refused to me by the present earl Ashburnham.

[m] Journals of Lords, July 1.

wards, when the head-quarters were at Aylesbury, he was at Woburn, and when the army removed to Bedford, the king was at Latimers. Fairfax wrote again the week following from Reading, desiring the parliament to give way to Charles's wish that he might see his children, and adding that in his opinion such a compliance might be without the least prejudice to the kingdom, and would better dispose the king to yield such points as the public welfare might require[n]. The two houses at length complied with this recommendation[o]. It might be thought that the army would take advantage of this visit to detain the children. But in reality the possession of Charles's person answered every purpose to them; and it was accordingly signified to the houses through the king, that Fairfax and the chief officers had pledged their honour that there should be no interruption or impediment given to the princes' return to their former abode[p].

The interview took place on the fifteenth. The children came from St. James's, under the conduct of the earl of Northumberland to whose care they had been confided, and met their royal father at Maidenhead. The people flocked in great numbers to see them, and strewed the way with boughs and flowers. They dined together at the

The interview takes place. July 15.

[n] Journals of Lords, July 9.

[o] Ibid. July 10. Journals of Commons, July 12.

[p] Journals of Lords, July 10.

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Greyhound, and in the evening the princes accompanied their father to Caversham, where they remained two days under the same roof with him [q].

Cromwel is present at the interview.

Cromwel was present at their meeting; and he assured sir John Berkeley three days after, that it was the tenderest scene his eyes had ever beheld.

His behaviour.

While he thus spoke, he wept plentifully at the remembrance. It was by all accounts one of the peculiarities of Cromwel's frame, whether the cause were bodily or mental, that he had always tears at command. He went on to assure Berkeley, that never had man been more misled than he in his unfavourable impressions of Charles, whom he now found the most upright and conscientious person in the three kingdoms [r]; and concluded, that he wished God so to look upon him with an eye of favour, as he resolved to conduct himself with sincerity of heart towards this prince. Berkeley immediately repeated all that had passed between him and Cromwel to the

[q] Rushworth, Vol. VI, p. 625, 626.

[r] It is not unworthy our attention to remark the extraordinary epithet by which Cromwel expressed his approbation of Charles. He witnesses the tenderness of the interview between the king and his children, and immediately infers, that he is "the most upright man in the three kingdoms." Cromwel was no mean courtier; and he skilfully bestows his commendation where it was most wanted. It is sufficiently clear that this is not the language of sincere admiration.

king, who seemed, as he relates, "not to have been well edified with it[s]."

1647. Forces under Poyntz declare in favour of the army of Fairfax.

As the contest between the presbyterians and the army drew nearer to a crisis, an anxious attention was turned to those divisions of the military establishment which formed no part of the forces under the immediate command of Fairfax. The most considerable of these was a body of eight regiments, stationed at Pontefract, under the command of colonel-general Sydenham Poyntz. The other colonels were Bethel, Copley, Overton, Bright, Ponsonby, Collingwood, and Legard[t]. Some of these adhered to the party of the independents; but Poyntz himself was one of the most zealous of the presbyterian leaders. It was unavoidable that a correspondence should be opened between this corps, and the army which hung over the metropolis; and, as might be expected, a sympathy with their brother-soldiers in the main body, took hold of the greater part of the forces quartered in Yorkshire. The different regiments, in imitation of Fairfax's soldiers, chose themselves agitators, two to each regiment; and, as early as the seventeenth of June, Poyntz found occasion to issue a general order, forbidding any of the soldiers under his command from meeting at any rendezvous without his special permission[u].

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[s] Berkeley, p. 27, 28.

[t] See above, p. 291, note.

[u] Journals of Commons, June 21.

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Upon the receipt of this intelligence the house of commons immediately voted ten thousand pounds for a month's pay of the forces of the northern association, in other words, the forces under this commander[w]. But it was in vain to resist the impulse which had now been propagated from Hertfordshire and Berkshire as far as Pontefract; and on the fifth of July a declaration of free consent and adherence to the army under Fairfax, was prepared and signed by the agitators of the eight regiments above named[x]; and about the same time a similar declaration was made, on the part of a regiment of horse quartered in Nottinghamshire under the command of colonel Thornhaugh[y]. Poyntz, endeavouring to stem the general tide of sentiment which now manifested itself through the whole of his forces, was made prisoner by his soldiers, and committed to Pontefract Castle; information of which was no sooner conveyed to the house of commons, than they came to a vote, directing that he should be forthwith enlarged[z]. He was however brought to the head-quarters of Fairfax in custody[a].

Put their commander into durance.

On the sixteenth of July it was voted that the forces of four regiments of foot that had come off from the army should be immediately disbanded[b];

Presbyterian regiments ordered to be disbanded.

[w] Ibid. June 22. [x] Rushworth, Vol. VI, p. 621.
[y] Ibid. p. 623. Journals of Commons, July 15, 17.
[z] Journals, July 15. [a] Rushworth, p. 626.
[b] Journals of Commons.

1647. Fairfax's command enlarged.

and on the day following, in pursuance of a letter of Fairfax to that purpose [c], certain additional powers were conferred on him. The decision of the fifth of March had been that the forces that should be kept up in England should be under his command; and the present vote ran, that all the land-forces within the kingdom of England, dominion of Wales, and the islands of Guernsey and Jersey, should be under his command, in order to the security and peace of the kingdom, the reduction of Ireland, and the disbanding whatever forces should be directed by the two houses to be disbanded [d].

Dispute respecting the committee of the London militia.

The next question to which the leading officers of the army directed their attention, was the state of the militia of London. A peace had been negociated between the army and the common council on the twelfth of June; but the committee appointed for directing the city-militia was decidedly presbyterian. They had been chosen on the twenty-seventh of April, when the presbyterians were in the height of their power; and at that election aldermen Pennington, Fowke, Warner and Kenrick, together with colonels Wilson, Player and Tichburne, adherents of the party of the independents, had been thrown out [e]. The army therefore required, by certain proposals voted July the

[c] Rushworth, Vol. VI, p. 620.

[d] Journals of Commons.

[e] Rushworth, Vol. VI, p. 472.

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nineteenth, that the power of the militia of London should be returned into those hands, which formerly during the worst of times had given such ample testimonies of their fidelity[f].

Petitions.

Meanwhile the metropolis was the active scene of the intrigues of the two great parties in the state, struggling for a superiority. On the thirteenth a petition was presented to the house of commons from many thousands of young men and apprentices, complaining of the late ejection of men of known fidelity from their offices in the city trained bands[g]: and on the day following a petition was forwarded to both houses, of a contrary tenour, subscribed by above ten thousand hands, praying that conventicles might be suppressed, and the army disbanded[h]. This was followed by a still more formidable measure on the presbyterian party, stiled a petition and engagement of the citizens, commanding officers and soldiers of the trained bands, with the young men and apprentices of London and Westminster, seamen, watermen, and others. The purport of this paper was a declaration, that they would to their utmost endeavour that the king should come to his parliament in honour, safety, and freedom, without the nearer approach of the army, there to

Engagement of the citizens.

[f] Journals of Commons, July 21. Rushworth, p. 629.
[g] Journals. Whitlocke. Rushworth, p. 614.
[h] Journals. Whitlocke. Rushworth, p. 618.

confirm such things as he had granted by his message of the twelfth of May, and by a personal treaty settle such things as were yet in difference[i].

Voluntary retreat of the eleven members.

Things had proceeded thus far towards a crisis, when on the twentieth of July, the eleven members, despairing of a favourable issue to the contest, applied to the house of commons for leave of absence for a time not exceeding six months, and permission to the speaker to give them passes to go beyond sea, if desired, which was voted accordingly[k].

Old committee of the militia restored.

An ordinance for restoring the former committee of direction for the militia of London was brought into the house of commons on the twenty-second, and passed through all the prescribed forms in both houses on the following day[l]. At the same time a declaration was issued, denouncing the penalties of high treason against all persons who should further promote the engagement in favour of the king and of an immediate personal treaty[m].

Engagement condemned by the two houses.

Dangerous tendency of an impulse given to the populace.

It happened however in this instance, as is so often found by experience in public affairs, where the voice of multitudes is called in to promote a

[i] Journals of Commons, July 22, 23. For the message, see above p. 317, 318. The engagement, according to Waller (p. 181. 182), was subscribed by almost an hundred thousand hands.

[k] Journals. [l] Journals. [m] Journals, July 23, 24.

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certain system of measures, that, an unwieldy and powerful machine having been once set in motion and urged to a given degree of celerity, those who first had recourse to its introduction, find themselves nowise able to arrest its progress, or direct its course. So on the present occasion. The eleven members were, or made shew to be, willing to give way for the present to the schemes of the military leaders. The two parties were nearly balanced in parliament, with a little leaning to the purposes of the presbyterians. The eleven well knew that, if they withdrew and no longer appeared in the van of their followers, this would suffice to change the fortune of the day, and that their opponents would immediately assume the guidance of the state. This, under all the present circumstances, they judged to be the most desirable thing that could happen. They regarded what would succeed as a forced state of things, that could not possibly be permanent. They considered the military leaders as desperate men, who needed only to be left to their course, to involve themselves in irremediable ruin. They had no strong hold upon public opinion. It would always be remembered against them, that, by whatever measures, they had superseded the will of the legislature, and substituted the empire of the sword. The nobility and the richer members of the community were decidedly presbyterian. By giving way therefore without a struggle to

Motives of the eleven members for temporising.

the storm, they would be more sure ultimately to reach the desired haven. The eleven further calculated that the military leaders were playing a hypocritical game, that while they pretended to favour the king, they were really his most deadly enemies; they believed that the measures they had themselves chalked out would prove the most beneficial to every branch of the community; and that, when their adversaries by their crooked proceedings had gradually lost the confidence of all, they would themselves finally be called in by general consent to replace the foundations of the general welfare.

Petitions of the presbyterians, originated in the city.

But their followers could not enter into this calculation. The citizens, the majority of whom were presbyterians, felt the most decided aversion to temporising measures, and came to a resolution to do themselves summary justice. The committee of the militia of the fourth of May had been chosen by the common council under the authority of a law; and its supporters felt the utmost indignation that now an ordinance should be made, setting aside that committee, and restoring their predecessors, without seeming to take any notice of the power of election which resided in the corporation. They were not less exasperated with the indignity, that the engagement which had been sanctioned by such a multitude of signatures, should by a vote of the two houses be pronounced treasonable. Petitions were

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presented to the common council, one of divers citizens, and another of divers young men and apprentices, grievously complaining of the injustice of these proceedings: and, on Monday morning, July the twenty-sixth, a petition was forwarded from the common council to the two houses of parliament to the same purpose. The house of commons immediately voted that it should be taken into speedy and serious consideration; and, another petition presently succeeding from the citizens, commanders, officers and soldiers of the trained bands, with the young men and apprentices of London and Westminster, seamen, watermen, and others, it was voted that the petition of the common council should be taken into consideration the first thing on the following morning[n].

Tumultuous scene which followed: Force put on the two houses.

But this did not satisfy the impatience of the present applicants. One account says, "The apprentices, and many other rude boys and mean fellows among them, came into the house of commons, and kept the door open, and their hats on, and called out as they stood, 'Vote, Vote,' and in this arrogant manner and posture remained, till the votes passed to repeal the ordinance for the change of the militia, and the declaration. In the evening about seven o'clock some of the common council came down to the house, and, under-

[n] Journals.

standing that in their presence they had forced the speaker and the members to put the question, and pass the votes they required, now, so much of the work being done, they that put their apprentices upon it, ordered them to disperse themselves again; and they presently obeyed the orders of their masters[o]." Another contemporary writer of no mean authority relates, that, "after the sheriffs and common council had, in a respectful way, presented their desires, seconded by the like application from the apprentices, though with some unfitting importunities, and the houses had revoked the new ordinance of the militia, and annulled their declaration against the engagement, and all or most of the apprentices were gone away, some disorderly persons that remained brake into the house, forced the speaker to resume the chair after he had adjourned, and would not suffer any to depart till they had voted that the king should come to London[p]."

All that we find in the journals is, that the house of lords first voted the restoration of the militia and the revoking of the declaration, and, the question being to be put upon these votes in the commons, and the house to be divided, this could not be done in the ordinary way, by reason

[o] Whitlocke, *ad diem.*

[p] Waller, p. 183. See also Rushworth, Vol. VI, p. 644.

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of the multitude and tumult at the door, that would by no persuasion withdraw that the outer room might be cleared, and that in this state the question was put, and it was carried to agree with the lords in both particulars.

CHAPTER XI.

PROPOSALS OF THE ARMY.—PRESENTED TO, AND REJECTED BY THE KING.—THE SPEAKERS, AND MANY MEMBERS OF BOTH HOUSES, WITHDRAW.—PREPARATIONS FOR THE DEFENCE OF THE CAPITAL.—ARMY ADVANCES TO HOUNSLOW.—JOINED BY THE SPEAKERS AND THE SECEDING MEMBERS.—FAIRFAX ENTERS LONDON.—SPEAKERS AND SECEDING MEMBERS RESTORED.

1647.

Speakers of the two houses withdraw:

MATTERS having been thus decided, the two houses adjourned to Friday, the thirtieth, when it was found that the speakers of both houses were absent, having gone out of town the preceding day; and the house of lords, consisting of only eight members, ordered summonses to be issued to twenty that were absent, among whom were the earls of Northumberland and Warwick[a].

with many other of the lords and commons.

These four days had been busily employed by several of the most eminent men in both houses in consultation what was to be done in so extraordinary a crisis; and many of the most moderate and reflecting came to a resolution, that it would

[a] Journals.

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be disgraceful to them to sit in a parliament, which had been so grossly dictated to by a tumultuous assemblage. There was no chance that a revocation could be effected of the votes of the twenty-sixth: the most moderate and reflecting were in the hands of the intemperate and the furious; and the only mode they could adopt, to escape the being helplessly carried along with the torrent, was to withdraw.

Views by which they were influenced.

There was another motive which influenced those who had not surrendered themselves to all the excesses of party. Neither Lenthal nor Manchester were independents; the earl of Warwick was among the main supporters of the presbyterian party[b]; but they judged that, by the folly and thoughtlessness of the proceedings of the twenty-sixth, the game was thrown into the hands of the military leaders; they would march up the army to London, to deliver the parliament from the control of the multitude; and the moderate men would shew themselves both more respectable and useful, by joining in this appeal to the army, and undertaking to give solidity and temperance to their proceedings.

Conduct of the king on the occasion.

This was a moment in which intrigue and cabal were most active. Both parties felt that it was of the utmost importance to them to gain the countenance of the king, or at least to prevent

[b] Clarendon, Vol. III, p. 63.

him from throwing himself into the opposite scale: and Charles already in fancy sat the umpire of their differences, and believed that, by playing their pieces skilfully, now cajoling with one set of men, and now with the other, he should be able to make what terms he pleased. Bamfield says, that the king was privy to the scheme for reversing the ordinance of the militia, and restoring the eleven members. "I acquainted the king with it, who approved the whole conduct: withal commanding me so to govern myself in my part thereof, that he might not be necessitated to appear therein; first, for his personal safety, as being in the power of the army; secondly, that he might be free in conscience and honour to agree with the army, in case this design should drive them to the necessity of making good their several protestations to him[c]."

Proposals of the army.

But the proceedings of the military leaders were of a very different character, from those of the presbyterian party, or of the king. They had had a paper sometime in preparation, the arrangement of which is ascribed to the pen of Ireton[d], entitled, The Proposals of the council of the army, to be tendered to the commissioners of parliament residing with the army, and with them to be treated on by the commissioners of the army[e].

[c] Bamfield, Sect. 68.

[d] Berkeley, p. 22. Ludlow, Vol. I, p. 200.

[e] Rushworth, Vol. VII, p. 731, *et seqq.*

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This paper is drawn up in a truly philosophical spirit, and was intended to contain the outline of a system of government, such as might be thought best adapted to the circumstances of the nation. The army had of late, owing to the great disunion of parties in parliament, and the high disapprobation which the army-party felt towards the principles and politics of the presbyterian leaders, who on the other hand had applied all their powers and ingenuity for the dissolution and dispersion of the body of forces under Fairfax, openly assumed to themselves the office of presenting to the legislature for their approbation such a scheme of administration and government, as they should deem the public welfare demanded.

Scheme of a constitution it presented.

The first article in these proposals was, that, certain matters being previously provided for by the present parliament, a period should be put by legislative provision to their sittings, that period not to exceed one year. It was next recommended that, after their dissolution, future parliaments should be called once in two years, to meet on a certain day, and to sit for one hundred and twenty days certain, and afterwards to be adjournable or dissolvable by the king, no parliament to sit more than two hundred and forty days, upon the expiration of which they were to dissolve of course. The king, with advice of the council of state, might in the interval between these parliaments summon a parliament extraordinary. The elections of com-

The present parliament to be dissolved.

To be succeeded by biennial parliaments.

mons for the succeeding parliaments were to be arranged according to such rule of equality of proportion, that all counties might have a number of members agreeable to the respective rates they bore in the charges and burthens of the kingdom, to render the house of commons, as nearly as might be, an equal representative of the whole; the election of burgesses for decayed or inconsiderable towns being likewise to be taken off, and the number of members for such counties as had fewer than their due proportion to be increased, for that purpose. No person might be tried and condemned by the house of peers without the concurring judgment of the house of commons, and no one condemned by the two houses might be pardoned or protected by the king. Grand-jurymen were to be chosen in some equal way, and not, as had been usual, to be put on or off at the discretion of an under-sheriff; and, being so chosen, they were to present the names of persons to be made justices of peace, and the names of three persons, out of which the king was to prick one to be sheriff.

Equal representation.

Trial by impeachment to be abolished.

Regulations of grand-jurors.

The military power by sea and land was to be for the next ten years at the disposal of parliament, the king not to interfere with such disposal in the mean time, or afterwards without the consent of parliament. No subject who had been in hostility against the parliament, was to bear any office for the next five years without the consent

Power of the militia.

Present disqualification of delinquents.

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1647.

Council of state.

of the parliament or council of state, or to sit in parliament till the second biennial parliament was past. The office of counsellor of state was to be confided to such persons as should now be agreed on, who were to continue in power, upon good behaviour, for a certain term not exceeding seven years; and the power of the council of state was to be such as that of the privy council had been, with the exception that the power of war and peace was to be in the parliament.

State-officers.

The great officers of state were to be for the next ten years in the nomination of parliament; and after ten years the parliament was to name three candidates, out of which the king was to select one.

Limitations of peerage.

Peers, who had been made since the clandestine removal of the great seal in May 1642, or who might hereafter be made, were not to sit in parliament without the consent of both houses.

Great Seal.

All grants under the king's great seal since that time were to be made void, and all grants under the parliament's seal to be declared valid.

Bishops.

All coercive power in bishops and other ecclesiastical officers, extending to civil penalties, was to be taken away.

Liturgy.

The use of the book of Common Prayer was not to be enjoined, nor on the other hand the taking of the covenant to be inforced.

The king.

Further, the king, queen, and royal issue, were to be restored to safety, honour and freedom, without diminution of their rights, or limitation to the exercise of regal power, other than is contained in

the above particulars. Finally, a number of persons, not exceeding five for the English, were to be reserved to be nominated by parliament, as state-criminals, to be subjected to its future judgment, as it might see cause: with this limitation, and certain very moderate rates of composition for delinquency, a general act of oblivion was recommended.

Delinquents.

The concluding branch of the proposals was to secure the people's right of petitioning, to take off the excise from the necessaries of life, to prevent the oppressions of forest-laws, to abolish monopolies, to remove the inequality of rates, to remedy the evils of tithes, to correct the slowness and expensiveness of suits at law, and to take away the abuses of imprisonment for debt.

Further provisions.

Nothing can be imagined that should exceed the temper and moderation of these proposals, particularly so far as the king was concerned. They adroitly avoided the rock of abolishing either episcopacy or the liturgy, with the smallest possible infringement upon private security or public freedom; and, if they had been offered in a spirit perfectly frank and sincere, we should have felt no ordinary love for the proposer. Ireton's character perhaps stands out as the more extraordinary, if we consider him at the same time as the most inflexible republican that ever existed. The talent which the system of conduct he prescribed to himself required, was the more colossal.

Character of the proposals and the proposer.

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He was called upon for a speciousness of language which scarcely any human sagacity could detect, and a steadiness of purpose which no allurement and no thought of ambition or interest could turn aside from its course. He was to stand aloof from human frailty and human passions, using for his instruments all men as they chanced to be fitted to his purpose, and pursuing the advantage and welfare of the whole, undiverted by any misconstructions or calumnies that might beset him in his progress. And yet, such is the partiality the human heart unavoidably entertains for an entire and perfect correspondence between the thoughts of man and his lips, that we can scarcely fail to view the policy and reserve which he practised, with an undefined impression of condemnation and regret.

Proposals privately offered to the king.

It may easily be conjectured however with what sentiments the proposals were regarded by the king. Berkeley was well satisfied with them; and Ireton, who seems to have made him his dupe through the whole affair, allowed him, as he tells us, to alter two of the articles, and that in most material points[f]. He next requested and obtained permission to lay them before Charles, six or eight days before they were offered to him in public. The king immediately expressed himself much displeased with them, at the same time observing,

[f] Berkeley, p. 23.

that the council of war could not do without him, and therefore would speedily be glad to close with him upon terms more in accord with his feelings[g].

Ungraciousness with which they were publicly received by him.

When at length the proposals were formally presented to him by a deputation of the army, Charles entertained the deputies with very tart and bitter discourses, saying ever and anon, that he never repented of any thing so much as of having given his assent to the attainder of Strafford, and that he would have no man suffer for his sake. He added, that he would have the episcopal church established according to law, and repeated often, You cannot be without me; you will fall to ruin, if I do not sustain you. Till at length Berkeley felt himself impelled to step up to the king, and whisper in his ear, Sir, you speak as if you had some secret strength and power that I do not know of; and, since you have concealed it from me, I wish you had concealed it from these men too. Upon this hint Charles began to recollect himself, and to sweeten his former discourse with great power of language and behaviour. But it was now too late. Rainsborough, one of the most republican of the deputies, and who could least endure the temporising language to which he had consented, withdrew in the midst of the conference, and posted away

Berkeley.

Rainsborough.

[g] Ibid. p. 30, 31.

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to the army, to whom he expressed without reserve the impression which this scene had just made upon him[h]. The proposals were never again tendered.

Intrigues of the presbyterians.

Through the whole of this proceeding the king's firmness was buoyed up with the encouragements held out to him by certain individuals of the presbyterian party. Bamfield says, he was in the secret of the revolution attempted in favour of that party, July the twenty-sixth[i]. The principal of these individuals are said by Berkeley to have been, first, Bamfield and Loe; and afterwards, the earl of Lauderdale, who had frequent access to the royal presence, with others from the party and the citizens, who pretended to despise the army and to oppose them to death[k].

Parliament reassembles. July 30.

At the reassembling of the parliament the presbyterian party appeared in certain respects triumphant: they had carried through two great measures, the revocation of the late ordinance of the militia, and of the ordinance declaring the late engagement of the citizens for bringing the king to London, and treating with him on the

[h] Berkeley, p. 34, 35. The scene took place while the army was at Bedford and the king at Woburn (Ibid. p. 30, 35): the quarters of the army were removed to Bedford July 24, and again to Wycombe on the 29th: Charles's answer therefore must be presumed to have been given before he received the news of what occurred in London on the 26th.

[i] See above, p. 373.

[k] Berkeley, p. 28, 33.

footing of his message of May last, treasonable. There was enough however in the state of affairs to make them serious. The triumph, such as it was, was obtained through the instrumentality of a mob: the presbyterian leaders, only six days before this convulsion, had advisedly withdrawn themselves from the contest: parliament had again assembled, but the speaker of each house was absent, and a large proportion of the members; and a momentous question might in this state of things be started, Where was the parliament? In the inforced absence of the speakers and so many of the members, were the two houses at Westminster entitled to be regarded as the legislature? If the army was before a subject of the greatest alarm, was it not infinitely more formidable now?

New speakers chosen.

They were compelled however to put the best face they could on the situation. Any thing seemed preferable to the throwing themselves on the mercy of the army without a struggle. The house of commons proceeded to the choice of a speaker, and the general voice fell upon Henry Pelham. Lord Willoughby of Parham took the chair in the house of lords. The first vote passed was that the general be required not to advance within thirty miles of London; the second by the house of commons was to recal the eleven members, and to command the attendance of all others that were absent. The next was to revive the committee of safety, which had been chosen on

Fairfax ordered not to advance.

Eleven members recalled.

Committee of safety.

BOOK II. 1647.

the eleventh of June, when last extremities seemed to break out between the army and the parliament[l]. Seven of the members of this committee were of the impeached members. Manchester and Warwick, with four other peers that were absent, were also in the list. General Massey and sir William Waller were added[m].

Preparations for resistance.

The first act of the committee of safety, as soon as it was constituted, was to appoint a rendezvous on the following day, of reformadoes, officers and soldiers, at which a consultation should take place for the appointment of field-officers and others to put them in a condition for immediate service[n]. The city was not backward on its part, in issuing a declaration in favour of the eleven members, and for the speedy disbanding of the army[o]; and at the same time the reinstated committee of the militia named general Massey commander in chief of all the forces raised or to be raised for the defence of the metropolis, which nomination was approved by the two houses of parliament[p]. Sir William Waller was appointed general of the horse[q].

Massey and Waller appointed to command.

Numbers of the defendants.

But all this was in vain. Waller says, the aldermen and common council had at this time at their command eighteen regiments of foot, some

[l] See above, p. 328.
[m] Journals, July 30.
[n] Rushworth, p. 653.
[o] Ibid. p. 648.
[p] Journals, July 31.
[q] Ibid. Aug. 3.

of them eighteen hundred, and two thousand strong, when Fairfax had not half their proportion of foot, and his horse, though strong enough in numbers, was yet very inferior in quality to that of the presbyterians [r].

Disadvantages under which they laboured.

But the heart was wanting. The city, though in the main presbyterian, was greatly divided and distracted. The parliament, by the disgraceful day of the twenty-sixth, and by the secession of so considerable a portion of its members, had lost its character and weight with the people. The eleven members, inferior as they had always been in talent and firmness, were taken by surprise, and fought, as it were, with only one hand.

Steadiness and gravity of the opposite party.

At the time of the breaking out of this convulsion, the army was at Bedford, fifty miles from London, and continued there till the thirtieth. The steadiness and gravity of their proceedings formed a strong contrast to the headlong and unreflecting demeanour of their opponents. The speakers, and nearly the whole of the members of the two houses of parliament, continued in town for two days, during Tuesday and Wednesday, the twenty-seventh and twenty-eighth of July. On Thursday, the speakers, with about fourteen lords and one hundred commoners, quitted the metropolis [s]. The lords held their first

[r] Waller, p. 188, 189.

[s] Whitlocke, Aug. 3. Rushworth, p. 750. Waller, p. 191.

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1647.

consultation at Hatfield, the seat of the earl of Salisbury; and, having resolved to throw themselves on the protection of the army, they removed for that purpose to Sion, a seat of the earl of Northumberland [t]. The army put itself in motion on Friday, taking up its quarters that night at Wycombe, and being stationed on the Sunday following at Colnebrook [v]. The next day they were at Hounslow, and made a gallant appearance, being at least twenty thousand men, horse and foot, with a full train of artillery [u]. It was at this rendezvous that the lords and commons who had withdrawn from London, presented themselves to Fairfax, and were enthusiastically hailed by the military as they rode with the general along the line [w]. Manchester and Warwick were not present on this occasion; but they wrote to Fairfax, stating that, as matters now stood, there could be no free parliament in London, and that it was their resolution to wait upon him, and with the rest claim his protection [x]. On the following day Fairfax emitted an ample declaration, stating his intention to advance towards the city, and the reasons on which it was founded [y].

Rendezvous at Hounslow.

Submission of Southwark.

At this period a message was brought to the

[t] Waller, p. 191.
[u] Rushworth, p. 750.
[x] Ibid. p. 742.
[v] Journals of Commons, Aug. 2.
[w] Ibid.
[y] Journals of Lords, Aug. 6.

army from the inhabitants of Southwark, stating their dissatisfaction with the proceedings in London, and desiring to receive some speedy assistance [z]; and accordingly Fairfax mentions in his declaration, that he was informed that Westminster, Southwark, and the rest of the suburbs, were not so ready to engage in a new war, as some would have them [a]. On this application a brigade was immediately dispatched under Rainsborough over Kingston Bridge into Surrey [b]; and on the preceding day the fortresses of Tilbury and Gravesend were secured by order of Fairfax [c]. CHAP. XI. 1647.

The war, if it can be called such, was now at an end, having continued for four days. On Monday, the common council agreed upon a letter to Fairfax, regretting the offence which the army had conceived against the metropolis, and requesting his direction as to the conduct they ought to pursue [d]. This letter was accompanied by a deputation of six aldermen and twelve commoners, and was delivered on the following day [d]. On that day the declaration of the lord mayor in favour of the eleven members was called in, by the same authority by which it had been issued [e]. Early on Wednesday morning Rainsborough took peaceable possession of the borough of South- Submission of the metropolis. Aug. 2. Aug. 3. Aug. 4.

[z] Rushworth, p. 750.
[a] Journals of Lords, Aug. 6.
[b] Rushworth, p. 750.
[c] Ibid. p. 740.
[d] Ibid. p. 743, 744.
[e] Ibid. p. 751.

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wark; and, having planted two pieces of ordnance against the fortress at London Bridge, it was surrendered to him [f]. On the same day Fairfax demanded from the corporation possession of the western line of defence of the metropolis, from St. Giles's to the banks of the river, which was given him [g].

Fairfax enters London. Aug. 6.

On Friday morning early the speakers of the two houses, with the seceding members, met the general at Holland House, Kensington, and from thence they proceeded to Westminster. In Hyde Park they received the congratulations of the lord mayor and aldermen, and at Charing Cross the common council stood ready to receive them. Colonel Hammond's regiment of foot, and Rich's and Cromwel's regiments of horse, led the procession, which was closed by Tomlinson's regiment of horse [h]. On the following day the whole army, with its artillery, marched through London, but in so civil and orderly a manner, that not the least offence or prejudice was expressed by them towards any man, either in words, action, or gesture [i].

Aug. 7.

Speakers and seceding members restored. Aug. 6.

The procession had no sooner reached Palace Yard, than Fairfax alighted, and retired into a private house, while the lords and commons pro-

[f] Ibid. p. 752.
[g] Ibid.
[h] Ibid. p. 756. Whitlocke, Aug. 6.
[i] Whitlocke, Aug. 7.

ceeded to their respective places of assembly [k]. Manchester and Lenthal took the chair in each house; and the proceedings commenced with a report from the commissioners of the parliament appointed to reside with the army (that in the house of commons was made by Vane) of the transactions of the last preceding days. Fairfax was then successively introduced into each house, and received their thanks for what he had done. He was at the same time by their joint vote made constable of the Tower of London. A vote was also passed for a day of thanksgiving that the houses were restored to their honour and freedom with so little effusion of blood, and a committee appointed to enquire into the violence done to them on the twenty-sixth of July [l].

Fairfax receives the thanks of both houses.

Is made constable of the Tower.

[k] Rushworth. Whitlocke.

[l] Journals.

CHAPTER XII.

PERTINACITY OF THE PRESBYTERIANS.—SIX OF THE ACCUSED MEMBERS GO INTO EXILE.—IMPEACHMENT OF SEVEN LORDS, TWO COMMONERS, THE LORD MAYOR, AND FOUR ALDERMEN.—KING AT HAMPTON COURT.—CABALS WITH THE SCOTS.—WITH CAPEL AND ORMOND.—PROPOSITIONS AGAIN PRESENTED TO HIM AND REJECTED.—HE INTRIGUES WITH CROMWEL AND IRETON.—HIS PERFIDY.

BOOK II.

1647. Pertinacity of the presbyterians. Aug. 6.

THUS far the houses of lords and commons proceeded in unison: in other points the latter shewed itself more tardy than the former, in such assertion of their violated rights as the occasion seemed to require. Nothing can be more commendable than the exemplary moderation of the army on this occasion; but it was not without its unfavourable effects. In the house of lords the number of members who had absented themselves, immediately on their return created a majority: not so in the commons. There the presbyterians, if they could not hope for a triumph, practised once and again a sullen reluctance, well calculated to check the exultation of their opponents.

1647.

The house of lords on the day of their meeting came to two votes, one declaring every thing that had been done under the pretended authority of the two houses from the twenty-sixth of July inclusive, to be null and void, and the other expressing their approbation of the declaration of Fairfax, in which he delivered the reasons that had governed him in advancing upon London [a]. The vote for annulling the late proceedings was rejected by the commons on the following Monday [b]; and in the room of it they brought in an ordinance, which, instead of declaring the proceedings of no effect in themselves, undertook to revoke them in the way of repeal [c]. This ordinance in its turn was rejected by the lords, who immediately voted one more in accordance with their own sentiments already expressed [d], but which was not adopted by the commons [e]. The difference was at length settled by passing an ordinance of the same tenour, which was originated in the commons [f]. The vote approving of Fairfax's declaration never received their concurrence.

Lords vote the late proceeding to be null.

Untractableness of the commons.

During this time it may be supposed that Hollis and the impeached members did not sit in the house. Indeed from the period of the re-

Six of the impeached members go into exile.

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[a] Journals. [b] Ibid.

[c] Journals of Commons, Aug. 11, 13.

[d] Journals of Lords, Aug. 18.

[e] Journals of Commons, Aug. 18, 19.

[f] Journals, Aug. 20.

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entrance of the speakers, escorted by Fairfax and the army, their hope of rule must have been gone; and, if the presbyterians were ever to reassume the superiority, it must in all probability be under other leaders. Several of them therefore resolved to pass beyond sea; and six, Hollis, Stapleton, sir William Waller, Clotworthy, Lewis and Long, being stopped in their passage, and brought back to Deal, were dismissed by the officer commanding on that station, and suffered to resume their voyage [g]. Three days later, news was brought that Stapleton, having landed at Calais, died almost immediately after, as was supposed of the plague [h].

Death of Stapleton.

Causes of the backwardness of the commons.

There were various grounds for the tardiness of the house of commons, in condemning the proceedings which had been adopted by such as remained during the absence of the speakers. In the first place, those who had taken an active part in these proceedings, would by such a vote have passed judgment upon themselves, and prepared the way for their own punishment; and, secondly, even such (and these, with the more active party, formed a numerous body) as had merely been present on those days, and took no part, feared that

[g] Whitlocke, Aug. 21. Rushworth, p. 785. The officer that dismissed them was vice-admiral Batten, who in the following year revolted to the king.

[h] Whitlocke, Aug. 25. Rushworth, p. 789.

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they might be involved in the consequences of what should be pronounced an illegal act [i].

1647.

At length the army, offended at the many delays which had been interposed to measures necessary to their justification, prepared, on the eighteenth of August, at the head-quarters at Kingston, a remonstrance addressed to the two houses, in which, after having insisted on the causes of their disappointment just mentioned, they demand as a remedy, that those members who had sat during the absence of the speakers, should give satisfaction to their respective houses, and acquit themselves by sufficient evidence that they did not procure or give consent to the pretended votes and ordinances passed during that period, tending to raise a new war. The remonstrance added that, if this were not done, the army would be necessitated to take some speedy and effectual course, by which to restrain them from being, as their present conduct made them, their own, and the army's, and the kingdom's judges [k]. The house of lords voted their approbation of this remonstrance [k].

Remonstrance of the army.

Approved by the lords.

From this time the independents were in a very slight degree thwarted or controled in their measures; and they proceeded to such votes in the house of commons as they thought most necessary by way of retribution on those who had taken

Impeachment of two officers:

[i] Journals of Lords, Aug. 20.

[k] Ibid.

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1647.

part in the violences of the twenty-sixth of July, and the preparations of hostility that had followed. Two officers of the train-bands were impeached of high treason on the twenty-fourth of August; on the fourth of September a day was assigned when Hollis and the other fugitives were required to appear; and, on the third and fourth days after, Glyn, the recorder, and sir John Maynard, were expelled the house and impeached of high treason, and seven peers were likewise subjected to a similar impeachment[l]. Finally, towards the close of the month, the lord mayor (sir John Gayer), and four aldermen, who had shewn themselves most forward in hostility, were impeached and sent to the Tower[m]. Here the mat-

of two commoners:

of seven peers:

of the lord mayor and four aldermen.

[l] Journals. The peers were the earls of Suffolk, Lincoln and Middlesex, with the lords Willoughby, Hunsdon, Berkeley and Maynard.

[m] Ibid. Sep. 24. We have here a further illustration of the way in which Cromwel accommodated himself to circumstances, and endeavoured to make good his road to the objects he had in view by such means as presented themselves. In the Proposals of the Army (see page 374), one article provided for the abolishing the trial by impeachment. But, when the two houses were restored by the intervention of the army, Cromwel and Ireton found the lords more accommodating to their views than the house of commons; they therefore viewed that house with a brief interval of partiality; the lords (as Lilburne says, Additional Plea to Maynard, p. 23,) were Cromwel's "white boys;" and the idea of proceeding by impeachment was in this instance revived. Cromwel used in the erection of his edifice whatever material appeared most promising; but the plan, or ichnography, by which he proceeded, the constituting a commonwealth, appears to have been always the same.

ter ended; and it must be admitted that Cromwel and his associates displayed great magnanimity on this occasion. Never was a rebellion which seemed so near involving a nation in a sea of blood, less severely vindicated. The lords, who had been continued in the custody of the usher of the black rod, obtained their liberty by a vote of their own house in January [n]. This appears to have roused their prosecutors; and articles of impeachment were delivered in against them on the last day of that month [o]. But they were allowed time upon their petition to put in an answer, and the question never came to a conclusion. The like happened in the case of Gayer and the four aldermen.

1647.

1648.

Sir John Maynard refuses to kneel.

A scene occurred in the prosecution of Maynard, which is not unworthy of notice. Articles of impeachment were offered against him on the first of February; and, four days after, he was brought to the bar of the house of lords to receive his charge. First, he refused to kneel, and for that contumacy was fined five hundred pounds. The same happened in the instance of Gayer and the four aldermen. Being a second time called upon to kneel as a delinquent, Maynard said he did not come there to make bargains. He desired that the doors of the house might be set open, for as many to come in as would; and added

Mayor and aldermen refuse.

Spirited behaviour of sir John Maynard.

[n] Journals of Lords, Jan. 19.

[o] Journals.

BOOK II. 1648.

that this proceeding by impeachment was not a way of this kingdom, and that, being a commoner of England, and a free-born subject, he was to be tried by bill or indictment in the inferior courts. He refused to hear the articles of impeachment read; and, being read, he said that he had not heard them, that he protested against the reading, and that the articles themselves were not believed by the very persons who had drawn them, and sent them up to the house of lords[p]. The next time that he was brought up he appeared somewhat more tractable, and desired time to answer the charges that were brought against him[q]. The impeachment of Maynard however went off, like the rest.—The detail of these circumstances has caused us somewhat to anticipate the course of our narrative.

1647. King at Hampton Court.

It was at the period at which our history is arrived, the autumn of 1647, that the spirit of intrigue was in the highest degree of activity. On the twenty-fourth of August the king changed his residence to Hampton Court[r]; and, three days after, the head-quarters of the army were removed to Putney[s]. In this new abode Charles found himself so much at his ease, that he began to forget he had been vanquished; his house was splendidly furnished, and the services rendered

Army at Putney.

[p] Journals of Lords, Feb. 5.
[q] Ibid. Feb. 19.
[r] Journals of Lords, Aug. 26.
[s] Rushworth, p. 792.

to royalty were performed with the customary state, the general and other military commanders were much at court, and had frequent conferences with the king; he was surrounded with his nobility, and every one he was willing to see was without difficulty suffered to approach him [t].

King is dissatisfied with Cromwel and Ireton.

Meanwhile this very circumstance was in no small degree injurious to him. He began more and more to consider himself as the arbiter between the two parties, and to believe that by artful and politic management he might obtain whatever he pleased. But, though he experienced every kind of attention, the most courteous demeanour, and the warmest professions, from the officers of the army, he was not satisfied. Fairfax, when he waited on Charles, kissed his hand; but Cromwel and Ireton, though they did not come behind the general in phrases of loyalty, seemed to decline that ceremonial [u]. There was another particular, on which, with the quick apprehension frequently incident to persons of his rank, he eagerly seized. He complained of a certain backwardness in these men to consent to the receiving from him any specific grace or advantage [w]. The favours of kings are usually caught at with avidity; the smallest overture in that kind awakens men's spirits, and animates

[t] Herbert, p. 33, 34.

[u] Clarendon, Vol. III, p. 52.

[w] Berkeley, p. 17.

BOOK II. 1647.

their eyes; and it was a new spectacle to a sovereign prince, where he professed condescension and kindness, to find a certain degree of recession and reserve in the party he purposed to favour.

cabals with the Scots:

Among the persons who resorted to Charles at this time, all were not officers of Fairfax's army, nor adherents of the independent party. The most considerable of those by whom the views of the army were opposed, were the commissioners of the Scottish parliament. A part of the conditions upon which the king had been given up by the Scots in the beginning of the year, was a secret understanding, that he was to be brought to London in safety and honour, and that he was to be restored to his royal authority by the presbyterians. The Scots therefore were exceedingly displeased at the manner in which his person had been seized by the army in June. Add to which, there was no object upon which the majority of the Scottish nation was more earnestly bent than the suppression of sects, and the exclusive establishment of the presbyterian form of church-government throughout the island. They were therefore scandalized beyond measure at the sectarian character of Fairfax's army, and the degree of neglect, not to say contempt, with which the

with Capel:

covenant began to be treated. In short, such were the overtures held out to him by the Scottish commissioners, that the king professed to lord Capel, who about this time came over from Jersey

to wait on him, that he did really believe that it would not be long before there was war between the two nations, in which the Scots promised themselves a universal concurrence of the presbyterians in England; and in that case, Charles added, he wished the royalists to hold themselves in readiness to take up arms in his behalf, without which he could not promise himself any great benefit even from the success of the other two. He therefore conjured Capel to watch his opportunity, and carefully draw his friends together, which that nobleman promised to do [x].

and with Ormond.

About the same time the marquis of Ormond, who had delivered up Dublin upon terms to the parliament, arrived in England, and immediately repaired to the royal presence. This was in the end of August [y]. The king was exceedingly pleased to find him a man who was "resolved to undertake any enterprise that might advance Charles's service [z];" and the Scottish commissioners appeared eager to unfold to him and Capel and others the full plan of their proceedings: so that many things were then adjusted, which in the following summer, in what has commonly been called the second civil war, were thought fit to be executed [z].

[x] Clarendon, Vol. III, p. 70, 71.

[y] Carte, Vol. II, p. 11. Rushworth, p. 795.

[z] Clarendon, p. 71, 72. This part of Clarendon's narrative may

BOOK II.

1647. Propositions again presented to him.

During the progress of these cabals it was determined at the instigation of the Scottish commissioners, that the propositions which had been offered to the king at Newcastle in the name of the parliaments of both kingdoms, should, with two or three insignificant variations, be tendered to him again. This measure was accordingly adopted by both houses[a]; and the propositions were presented to Charles on the seventh of September, with a limitation of six days for his giving in his answer[b]. Perhaps there was no party that really wished that this overture should be accepted. The Scottish statesmen, as we have seen, looked forward to and desired a new war, as the only way of quelling for ever the pride of the independents. The propositions were offered as a balance to the proposals of the army, with which it was feared Charles might be compelled to close, as he was their prisoner, if something were not brought forward from the other side, so as to produce a decent ground for equilibrium and uncertainty.

He intrigues with Cromwel and Ireton.

Cromwel and Ireton on their part were anxious that the propositions should be rejected by the

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be regarded as unusually authentic, though he was not on the spot, from the circumstance of himself and Ormond having resided for some time together at Cologne a few years after, when Clarendon wrote, in a manner from the marquis's dictation, his Historical View of the Affairs of Ireland. See that work.

[a] Journals, Aug. 26. Berkeley, p. 42. [b] Journals, Sep. 6.

king, as the accepting them would have given a most important advantage to the presbyterians and the Scots. Influenced by this sentiment, they had carefully suppressed their resentment, and industriously disarmed the displeasure of their followers, at the almost opprobrious manner in which Charles had rejected the proposals a short time before the army entered London, and had prevailed on the council of war and the agitators notwithstanding to vote that they still adhered to the terms they had already adopted [c]. The proposals were accordingly laid on the table of one, and probably of both houses of parliament, on the day on which the speakers resumed the chairs [d]. In fine, the king's answer to the propositions, which was submitted to the leading officers of the army the day before it was given [e], was that, having seen the proposals of the army for the restoration of a just and tranquil state of affairs, he conceived that they would be found to conduce more to the satisfaction of all interests, and to afford a more solid foundation for a lasting peace, than the propositions. He therefore suggested, as in his judgment the most desirable mode of proceeding, that the two houses should instantly take the terms offered by the army into their consideration, upon which a personal treaty might be built; and

Proposals of the army presented to the two houses.

King rejects the propositions.

[c] Berkeley, p. 39.

[d] Journals of Commons, Aug. 6.

[e] Berkeley, p. 43.

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he hoped that these terms might be so moderated in a treaty, as to be made capable of producing an agreement, advantageous and gratifying to all parties [f].

His offers to Cromwel.

It was at this time that the greatest degree of intercourse appears to have existed between Charles and the leading officers of the army. We have seen that, according to his own statement, he could never prevail upon these men to consent to receive from him any specific grace or advantage. But this does not preclude the idea that such graces were offered; it rather implies that they were. Cromwel himself told Berkeley, that a rumour had been propagated by lady Carlisle, that he was to be made earl of Essex, and captain of the guard to the king, and that she had quoted Berkeley himself as her authority [g]. Various other reports of a similar nature were in circulation at the same time. Hollis says, it was affirmed that Cromwel was to be knight of the garter, his son to be of the bedchamber to the prince, and Ireton to have some great office in Ireland [h]. Roger Coke, grandson to the celebrated chief justice, and one of the members of the Rota Club for establishing a free government in England in 1659 [i], asserts that it was further reported, that Cromwel was to fill the second station in the kingdom, being to be

[f] Journals of Lords, Sep. 14.
[g] Berkeley, p. 40.
[h] Hollis, § 127.
[i] Wood, Vol. II, p. 591.

appointed vicar-general, after the example of Cromwel earl of Essex, in the reign of Henry the Eighth [k]. 1647.

Various accounts have been given of a letter addressed at this time by Charles to his queen, then in France, and intercepted by Cromwel. The queen is said to have written to her husband, warning him against the great concessions he was making to those villains, Cromwel and Ireton. In reply to which he begged her to make herself entirely easy on that head, as he should "know in due time how to deal with the rogues, who, instead of a silken garter, should be fitted with a hempen cord [l]". His perfidy.

[k] Detection of the Court of England, *anno* 1647.

[l] This letter, or something to the same purpose, is frequently alluded to by contemporary writers. Roger Coke speaks of it, in the passage above quoted, without intimating a doubt of its authenticity; and Dugdale and Herbert, for the purpose of contradicting a story so injurious to the king's honour. Millington, the auctioneer in the reign of Charles the Second, affirmed that he had had the letter in his possession. See Wagstaff, Vindication of Charles I. in the Matter of Eikon Basilike.

The most express statement on the subject is to be found in a posthumous publication of Jonathan Richardson, the younger, the painter, entitled Richardsoniana, small 8vo, 1776; and is as follows, p. 132.

"Lord Bolingbroke told us (June 12, 1742), that lord Oxford had often told him, that he had seen, and had in his hand, an original letter that K. Charles I. wrote to the queen, in answer to one of hers, that had been intercepted, and then forwarded to him; wherein she reproached him for 'having made those villains too great con-

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1647. Cromwel's account of the affair.

A conversation of Cromwel upon this subject with lord Broghil deserves on many accounts to be related. "One time particularly [in the year 1649], when lord Broghil was riding, with Cromwel on one side of him, and Ireton on the other, at the head of their army, they fell into discourse about the late king's death. Cromwel declared, that if the king had followed his own mind, and had had trusty servants about him, he had fooled them all. And further said, that once they had a mind to have closed with him; but upon something that happened, they fell off from their design again. My lord, finding Cromwel and Ireton in good humour, and no other person being within hearing, asked them if he might be so bold as to desire an account, 1st, Why they once would have closed with the king? and 2dly, Why they did not? Cromwel very freely told him, he would satisfy him in both his queries. The reason, says he, why we would once have closed with the king, was this: We found that the Scots and the presbyterians began to be more powerful than we; and if they had made up matters with the king, we should have been left in the lurch: therefore we

cessions;' that in this letter it was said, 'That she should leave him to manage, who was better informed of all circumstances than she could be; but that she might be entirely easy, &c:' as above, to 'hempen cord.' So the letter ended; which answer, as they waited for, so they intercepted accordingly, and it determined his fate."

thought it best to prevent them, by offering first to come in upon any reasonable conditions. But while we were busied with these thoughts, there came a letter from one of our spies, who was of the king's bedchamber, which acquainted us that on that day our doom was decreed; that he could not possibly tell what it was, but we might find it out, if we could intercept a letter from the king to the queen, wherein he declared what he would do. The letter, he said, was sewed up in the skirt of a saddle, and the bearer of it would come with the saddle upon his head about ten o'clock that night to the Blue Boar inn in Holborn; for there he was to take horse, and go to Dover with it. This messenger knew nothing of the letter in the saddle, but some persons in Dover did. We were at Windsor, when we received the letter: and immediately upon the receipt of it, Ireton and I resolved to take one trusty fellow with us, and with troopers' habits to go to the inn in Holborn; which accordingly we did, and set our man at the gate of the inn, where the wicket only was open, to let people in and out. Our man was to give us notice when a person came there with a saddle, while we, in the disguise of common troopers, called for cans of beer, and continued drinking till about ten o'clock: the centinel at the gate then gave notice, that the man with the saddle was come in. Upon this we immediately rose, and, as the man was leading out his horse saddled,

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came up to him with drawn swords, and told him, we were there to search all that went in and out there; but, as he looked like an honest man, we would only search his saddle, and so dismiss him. Upon that we ungirt the saddle, and carried it into the stall where we had been drinking, and left the horseman with our centinel: then, ripping up one of the skirts of the saddle, we there found the letter of which we had been informed; and having got it into our hands, we delivered the saddle again to the man, telling him he was an honest man, and bidding him go about his business. The man, not knowing what had been done, went away to Dover. As soon as we had the letter, we opened it; in which we found the king had acquainted the queen, that he was now courted by both factions, the Scotch presbyterians and the army, and which bid fairest for him should have him; but he thought he should close with the Scots sooner than the other, &c. Upon this, added Cromwel, we took horse, and went to Windsor; and, finding we were not likely to have any tolerable terms from the king, we immediately from that time forward resolved his ruin [m].

Remarks.

It does not follow as a just inference from the above conversation, that Cromwel ever intended to close with the king. Every thing depends, in the report of such a conversation, upon

[m] Morrice, Life of Orrery, prefixed to the Orrery State Letters.

the exact recollection of the words that were used. A very small change in that respect, especially when the question is barely of what a man thought or purposed to do, may make the most essential change in the spirit of the tale. Words therefore that are merely expressive of an intention which is gone by, can never be weighed against a tissue and series of historical facts. Even if the conversation is reported with the nicest exactness, I should not hold it as amounting to sufficient evidence. Cromwel was merely reporting a circumstance in the lightness of a private and unconsequential conversation. At such a moment, I should say, Cromwel did not tax himself to recollect what had been his views; and the liar (if one may apply so coarse a term to such a man), who had throughout been playing a treacherous game with Charles, was in this instance caught in the net of his own stratagems.

By whom were the king's offers disclosed?

It may be thought to be refining too much, if we were to say, that the king and his creatures were the very persons, who propagated at this time the story, that Cromwel had consented to be bribed with the offer of a splendid income, an earldom, and the order of the garter. And yet few conjectures can be more obvious. We have Charles's authority for saying, that he could never prevail upon these men to consent to receive from him any specific grace or advantage. The next best thing to their consenting, was to cause it to be

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believed that they had consented. If he could not make them his friends, or his tools, it would to a considerable degree answer his purpose, if he could ruin them by blasting their character with their own supporters.

CHAPTER XIII.

ENDOWMENTS OF CROMWEL.—HIS EXTRAORDINARY TALENT OF PERSUASION.—HIS TOO GREAT CONFIDENCE IN HIS ADHERENTS.—JOHN LILBURNE.—HIS EMBARRASSMENTS AND MISFORTUNES.—HIS RESOLUTE BEHAVIOUR.—SENTENCED TO THE TOWER FOR SEVEN YEARS.—APPEALS TO THE COMMONS.—ADDRESSES CROMWEL.—APPLIES TO THE AGITATORS.—DECLARES HIMSELF THE ENEMY OF CROMWEL.—OFFERS TO GO INTO EXILE.—HIS CASE IS DEFERRED.—PLAN FOR ASSASSINATING CROMWEL.

CHAP. XIII.

1647.

Species of eloquence with which Cromwel was endowed.

His intellectual faculties.

Cromwel possessed, as much perhaps as any man that ever lived, the gift of exciting confidence and implicit good opinion in those with whom he was in habits of intercourse; and he was aware of his advantage in that respect. This was in truth the main basis of his fortune. It is not to be doubted that he was consummate in military skill. He was a man of infinite penetration and discernment; his views were as steady as they were extensive; perhaps no man ever exceeded him in the

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1647. The pivot of his success.

power of tracing and unfolding the complexities of human affairs and human life. But all these attributes would have availed him nothing, without the talent of which we speak. There have been men, who could see every thing, and from whom no secret of the human heart has been hid, to whom the faculty of exciting sympathy has been denied, who could not emit a spark from their own bosoms that should light up a kindred fire in the breasts of others, who could not utter a sound which should instantly string the nerves, and brace the arm, of every one whose assistance they desired. Such persons live as it were in a field of dead men's bones: the light of heaven is upon every object around them: nothing escapes their observation:—but all this is to no purpose: they do not possess the transcendant power of saying to those dry bones, Live.

His extraordinary talent of persuasion.

The gift of Cromwel consisted in such apparent frankness and honesty of speech, as did not allow in the hearer the possibility of doubt. He seemed to be telling you exactly the thing it was most important for you to know, and that with a clearness and sincerity that carried its own evidence along with it. He could be brief, when a few words would tell all that it was in his mind to tell; he could be copious, when it was necessary that a full stream of sentiment should loosen your hold upon the anchor of calmness and deliberation. Bluntness was a main engine with

which he worked; he spared for no fervour and emphasis of asseveration, when his purpose demanded that. He was polished with the polished, and coarse with the coarse, always adapting himself with incredible felicity to the persons whom at the moment it was his hint to address. His religion, as he understood it, and according to the mode of the times, was of marvellous advantage to him. He spoke to those whom it concerned in the name of the Almighty, and displayed an entire prostration of soul to the will of God. The language of pious enthusiasm never fell more consummate from the lips of a human being, than from those of Cromwel. And it is a vulgar mistake to suppose that in all this he played the hypocrite: as the great Roman critic says, "If you wish me to weep, the first tears that are shed must be your own:" Cromwel could never have made a dupe of others (though, in the case of his fellow-soldiers and fellow-citizens at present, this is not the name of what he did), if he had not first made a dupe of himself.

Cromwel's too great confidence in his adherents deceives him.

But, admirable as Cromwel was in penetration, and in powers of persuasion, he appears, on the occasion to which our narrative has now brought us, to have overreached himself through too much confidence in his own strength and his means of success. He felt, what is always felt by men of an elevated mind, a generous contempt of calumny. He placed too full a reliance upon the good

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opinion, founded on long and varied experiments, implanted of him in the minds of his fellow-soldiers. When the idle stories were propagated all round him, of his being to be made earl of Essex, knight of the garter, and vicar-general of the realm, he justly condescended to mention to Berkeley, that lady Carlisle said these stories came from him; but we know not of any other notice he took of them.

Cause of his mistake.

In all this perhaps Cromwel was right. But he should have recollected the plausibility which his conduct gave to the tale. He and Ireton were apparently upon confidential terms with the king. They had held back in the period of the first discontents of the army, had appeared to suffer the early seeds of opposition to be nursed by the agitators, and had occasionally expressed themselves in parliament as though they were of a different sentiment on the subject of those discontents. They now frequented the society of Berkeley, Ashburnham, and others, the most obnoxious and distasteful of the followers of Charles. Nor was this all. They held both to these men and their master, the language of sincere attachment to his cause. They were frequent and vehement in their protestations of a desire to serve him. Surely Cromwel ought to have been aware that in so doing he was treading on dangerous ground. He ought to have been aware too, that men of slender capacities and narrow observa-

tion are always illiberal and intolerant in their construction of the conduct of their superiors.

Lilburne the enemy of Cromwel.

In addition to all these disadvantages there was one individual who at this time had sworn the destruction of Cromwel, a man formidable in his intellectual resources, of the most unwearied activity, and of invincible courage, John Lilburne. To understand his purposes and proceedings, it is necessary again to take up the thread of his story.

1645. Ordinance of compensation to him for his sufferings by the Star-chamber.

Lilburne, by his conduct in the years 1644 and 1645, his contention with Prynne, and his accusations of colonel King and the earl of Manchester, had raised to himself many formidable adversaries in the presbyterian party. Prynne was the most unremitting and active of these. After his liberation however in the October of the latter year, Lilburne was comparatively quiet, and applied himself principally to the obtaining such indemnification as he could for his past sufferings. He presented a petition to the house of commons for arrears due to him as a soldier[a]: but his claim was referred to a committee, of which Prynne was chairman; and Lilburne, refusing to swear to his accounts, could obtain no redress[b]. In the same petition he prayed for compensation for the illegal sentence which had been pronounced upon him

[a] Journals, Nov. 10. Innocency and Truth Justified, Appendix.

[b] Resolved Mans Resolution, p. 36.

BOOK II. 1646.

in the Star-chamber; and in the April following an ordinance was sent down from the lords, awarding to him a payment of two thousand pounds on that ground[c]. But Prynne, with that vindictiveness of disposition which seems to have charactised him, and being anxious that Lilburne should derive no benefit from this proceeding, alleged as chairman of the committee of accounts, that the state, instead of being his debtor, had a just claim of credit against him for an amount somewhat greater than that decreed him by the ordinance[d].

He is arrested by colonel King. April 14.

At the same time colonel King arrested him for the sum of two thousand pounds, which was afterwards explained to mean that this was the amount of the damages to which King held himself entitled for Lilburne's having called him a traitor[e]. An impeachment of treason had been presented to the house of commons against King; and Lilburne was one of the witnesses to prove these charges. But he was informed, that this accusation could not be pleaded in bar of King's action, and that therefore, unless the trial of the party accused could be so accelerated as to precede his own, he would infallibly be cast. In this dilemma Lilburne had recourse to his ordinary expedient; he

June 6.

printed a letter to Reeve, the senior judge of the Common Pleas in which his cause was to be tried,

[c] Journals, Apr. 27. [d] Resolved Mans Resolution, p. 37.
[e] Just Mans Justification, p. 2.

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under the title of the Just Mans Justification, intended to explain his embarrassment, and assert the justice of the case.

He is called before the lords.

This proved to him a most unfortunate proceeding. Lilburne's pamphlet was not on the whole a violent production; but in it he stated, what he said on other occasions, that, if justice were properly executed, King would be hanged, and Manchester lose his head. Lilburne had now made himself such bitter enemies, that this opportunity was not to be lost. He was called before the house of lords, where Manchester was in the chair, when he not only refused to answer such questions as were proposed to him, but delivered in a protest against their jurisdiction, and an appeal to his rightful judges, the commons assembled in parliament. For this protest he was committed to Newgate during pleasure[f]. A few days after, his appeal was given in to the house of commons, read, and referred to a committee.

Sent to Newgate.

Appeals to the Commons.

His contumacy.

Resenting this further act of defiance, the lords again ordered him to be brought to their bar[g]. It was intimated to him a few hours before by the keeper of Newgate what was intended, and in consequence Lilburne barricaded his door, so that the officers were obliged to get at him by breaking into his chamber. A charge was in the mean time

[f] Journals, June 11.

[g] Journals, July 3, 9.

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ordered to be drawn up against him; and he was brought up, to hear this charge, and to answer to it. On this occasion he came into the house with his hat on, and refused to kneel; and, when the accusation was read, he repeated his protest, and put his fingers in his ears[h]. Being called upon for his answer, he harangued the house, saying among other things, "My lords, I tell you to your faces, that the commons of England are by right your judges as well as mine in this case: and I do not doubt to live to see the day that they will make you to know, whether you will or no, that they are so; and of their justice and protection I do not in the least doubt. And therefore, my lords, seeing you have dealt so illegally and tyrannically with me, I now bid defiance to your power and malice to do the worst you can. For, my lords, are not you the men, that have been principal instruments to engage this kingdom in a bloody war to maintain their laws and liberties? and have you not often sworn and covenanted so to do? But, my lords, it seems to me that you nothing value your oaths and engagements, and in going to war never intended but merely to set us a fighting, to unhorse and dismount our old riders and tyrants, that so you might get up, and ride us in their stead. And therefore, my lords, I protest here before the God of heaven and earth,

His speech to the lords. July 11.

[h] Journals.

if you shall be so unworthy as to persevere in endeavouring the destruction of the fundamental laws and liberties of England, as at present you do, I will venture my life and heart's blood against you, with as much zeal and courage as ever I did against any of the king's party, that you set us together by the ears with[i]."

Sentenced to seven years' imprisonment.

Lilburne, having finished his harangue, was commanded to withdraw, and, after an hour's absence, was once more placed at the bar[k]. His sentence was, that he should be fined four thousand pounds, be imprisoned for seven years in the Tower of London, and be declared for ever incapable of holding any office, civil or military, and that his obnoxious publications should be burned by the common hangman[l].

Reflections.

Nothing can be more disgraceful to a court of justice, than severely to animadvert upon, or even

[i] Anatomy of Lords Tyranny, being a Speech Delivered to a Committee of the Commons, Nov. 6. p. 14, 15. I am not sure that Lilburne spoke the whole of this in the house of lords. The Journals state him among other things to have said, "I render up my body to your lordships' fury." It should be added, that my doubts whether Lilburne spoke all that is above put down, are not founded on any uncertainty as to his intrepidity and courage, but simply on the question whether he would have been permitted to proceed without effectual interruption. We have seen however in this instance, and shall see in others, that he was not a man with whom people liked to contend in the full torrent and cataract of his emotions.

[k] Anatomy of Lords Tyranny, p. 15. [l] Journals.

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perhaps to notice, further than to put aside the interruption, the intemperance of any person who may be brought before them as a party accused. The house of lords was one of the main members in the government of the state, or it was nothing. And what in the comparison was simple, unarmed John Lilburne, standing before them a prisoner? They could do with him as they pleased; they could shut him out from the intercourse of his fellows; he would not have come before them, but as they summoned him, or ordered him to be produced. This they perfectly knew. But human passions have nearly at all times been the same. Whatever be a man's title, or however elevated the seat he occupies, he feels that he is but a man. The countenance of the judge instantly reddens, and his muscles involuntarily string themselves, whenever he deems that he is insulted.

Commons appoint a committee to examine his case.

What were the steps Lilburne first took to accomplish the redress for which he thirsted, we do not exactly know, except that of a publication of his, early in October, entitled Londons Liberty in Chains, relating partly to some supposed abuses in the election of the city-magistrates, and partly to his personal situation[m]. On the twenty-third of September a petition had been delivered to the

[m] This tract also contains some suggestions towards a plan for a more equal representation of the people in parliament.

house of commons in the name of his wife, reminding them of his protest and appeal from the authority of the lords. In consequence of this a committee was appointed to examine his case, of which Henry Marten was chairman; and Lilburne was brought twice before this committee, once in the end of October, and again on the sixth of November. On this occasion he stated, that all he desired was to be called to the bar of the house of commons, and to have a fair, open and public hearing, when he did not doubt, by himself singly, in opposition to all the professional men that might be employed against him, to prove, by law and unquestionable authority, that the lords had no jurisdiction over him[n]. And he added, that it was no small aggravation of his calamity, that he suffered all these inhumanities and ill usages during the sitting of a free parliament[n]. It however in some way happened that this committee was for a long time not called upon to make its report.

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In January he printed a further representation of his case, entitled the Oppressed Mans Oppressions. In this he went further than he had hitherto done. He threatens, that if he is not speedily delivered from his present sufferings in a legal way, he will not fail to give the authorities cause, with a witness, to fetch him out from his imprisonment[o].

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[n] Anatomy of Lords Tyranny, p. 21, 22. [o] p. 37.

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It was about this time that the presbyterians strenuously applied themselves to the question of disbanding Fairfax's army; and on the eighth of March the house of commons came to a resolution that, except the commander in chief, there should be no officer in the army of a rank superior to that of colonel; a resolution that bore more directly upon Cromwel, the second in command, than upon any other officer [p]. This event changed Lilburne's plan of operation. He began to think, that he had tried the house of commons sufficiently, where at this time the presbyterians had plainly a majority; and he turned his thoughts to the army, in which he had formerly been an officer, and among whose members lay many of his most valued and intimate connections. The first steps which he took in execution of this idea it is impossible for us to trace; but there is a letter extant from him to Cromwel, dated the twenty-fifth of March [q].

Lilburne addresses himself to Cromwel.

High opinion he entertains of Cromwel. March 25.

This letter begins with the fullest acknowledgement of his past obligations to Cromwel. "You took compassion of me," says Lilburne, "when I was at deaths door, and were principally instrumental in 1640, in setting me free from the long and heavy tyranny of the bishops and star-chamber." He adds, "I presume to say, and that without flattery, that I honour you as I do my own

[p] See above, p 271.

[q] Jonahs Cry, p. 2, 3, 4.

life and being." Further on he says, "I have looked upon you as the most absolute single-hearted, great man in England, untainted and unbiased with ends of your own." He however expresses much jealousy of Cromwel's conduct in some recent instances. "Yet your actions and carriages for these many months together have struck me into an amaze." "I am informed this day by an officer, and was informed by another knowing man yesterday, that you will not suffer the army to petition till they have laid down their arms, because you have engaged to the house that they shall lay them down whenever the house shall command them." Lilburne however seems disposed to cast the blame rather upon Cromwel's advisers and confidents, than upon Cromwel himself. "I anatomised the baseness of Vane and St. John to thee above a year ago." "Watson is bad, Staines a juggling knave, and Nat. Rich a treacherous, hen-hearted fellow."

Drawbacks on this opinion.

In a second letter, soon after the king was seized and brought to the army[r], he appears to make a more favourable construction of Cromwel's proceeding, and earnestly recommends to him "with all candour to apply to Charles, who, he does confidently believe, will grant any thing that is rational, that you or the kingdom can desire for their future good, security and preservation."

A second letter to Cromwel. June 22.

[r] Ibid. p. 7, 8.

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A third letter. July 1.

He applies to the agitators.

But, in a letter of the first of July[s], only nine days later, he returns to all his suspicions, or indeed, as he expresses it, to more than suspicion. But what is most worthy of observation in this letter, is the way in which he talks about the agitators. He says, "When I saw the house of commons slighted those petitions which I underhand set on foot for justice and liberty, in which injustice you concurred, I applied myself vigorously to the honest blades, the private soldiers of the army; and by much industry, with great opposition from yourself, and other of your fellow-grandees of the army, I was instrumental, acted both day and night, to settle the soldiers in a complete and just posture by their faithful agitators, chosen by common consent from among themselves." He further insinuates, that Cromwel had "in a manner robbed, by unjust subtlety and shifting tricks, the honest and gallant agitators of their power and authority, and placed it solely in a thing called a council of war, or rather a cabinet-junto of seven or eight proud, self-ended fellows[t]." This letter however does not amount to a total breach with Cromwel, since it ends with desiring with all speed a personal interview, and calls upon him for an answer to this request in four days at furthest.

[s] Ibid. p. 9, 10.

[t] The council of war usually consisted of some hundreds. See above, p. 305, 308.

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Things remained nearly in this situation till the beginning of the following month, when the army marched through London for the purpose of restoring the speakers of the two houses and the fugitive members to their seats. Lilburne then concluded that the power of the presbyterian party, whose victim he had become, was at an end, and that their adversaries would be able to bestow upon him an ample amends for his past sufferings. The thing he desired they should begin with, was that the house of commons should take his case into consideration, should pronounce an unqualified sentence of condemnation upon the authority the lords had usurped over him, and should set him at liberty. If that proceeding were exposed to any delay, at least he recollected that Fairfax, the very day that the speakers had been restored, had received the appointment of constable of the Tower, and therefore could by the authority of his office merely, which in the present humbled state of the parliament no one would dispute, order him to be set at large from his confinement, or at least to be liberated on bail.

Sanguine expectations conceived by him.

But we have seen that these calculations were altogether built upon mistake. The state of the nation was not such as to admit of measures of an untemporising character. The king was to be retained, if possible, in a state of leaning towards the party of the army; and the two factions in

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parliament were in such a condition of equipoise, that it was with the utmost difficulty that the house of commons could be brought to vacate the proceedings that had taken place within their walls during the absence of the speakers [v].

Critical condition of public affairs.

The masterly stroke, of the speakers of the two houses, with many of the members of each, taking refuge with the army, and calling upon them for their interposition to restore them to their seats, was owing to the fortunate concurrence of many circumstances. The earl of Manchester, speaker of the house of lords, was one of the leaders of the presbyterian party; so was the earl of Warwick; the earl of Northumberland was less decidedly so, but he had always been numbered among them; so of the rest: without the concurrence of these, the measure here referred to would never have been carried. The question therefore was, whether the business of the nation, and the matters that were thought most essential to its welfare, should be carried on in the ordinary forms, and by a dextrous accommodation to the prejudices and preferences of men possessing the most powerful interest; or whether the army should openly and violently usurp all power into their own hands, and fairly unfurl the standard of sovereignty over the kingdom. The consequence of this last would be an immediate war; the pres-

See above, p. 388, 389.

byterians and the Scots would have declared in the strongest terms against the party of the army; the moderate men and the lukewarm are always found adhering to the constituted authorities. The royalists, who we shall presently see were yet a numerous party, with the king at their head, would have declared for the presbyterians; or the army, which the military leaders as little desired, would have been compelled to throw off the mask of ambiguity, and have come to an explicit agreement with Charles.

Feelings of Lilburne on the occasion.

But all this Lilburne would not see. His maxim was that that which in a direct and confined view appeared to be right, was the thing to be at all events and instantly done. And it would be absurd to deny, that he looked with intent observation at home, and at his own case. Nor is this to be wondered at. He had suffered almost beyond human endurance; and no injustice could be more flagrant than the sentence which the house of lords had pronounced against him.

Discontent of the agitators.

Nor was Lilburne at this time alone. We have seen how busy he had been at an early period with the agitators. The institution of this corps was certainly in some degree critical. It had begun with Cromwel. But it is no uncommon occurrence in human affairs, to see a mode of proceeding set on foot by a particular individual, which by degrees becomes too powerful for his control, and produces effects very unlike those which

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he contemplated. The organising of the agitators was that the private soldiers of the army should choose representatives, who were to consult together for the good of all. But these men thus brought together, would have views of their own, would canvas the conduct of their officers, censure their proceedings, and perhaps conspire to disconcert their measures. They watched the intercourse of their leaders with Charles and his counsellors. They listened occasionally to the explanations and persuasions of Cromwel and Ireton; they gave way to their proposals; but this yielding in many was with sullenness and reluctance; and they speedily fell back into their former suspicions and distrust.

Fellow-prisoners of Lilburne.

Judge Jenkins.

Sir Lewis Dives.

Lilburne had for his fellow-prisoners in the Tower, David Jenkins, a Welch judge, who had tried and condemned men for taking arms against the king, and sir Lewis Dives, brother-in-law to lord Digby. Jenkins was a stout lawyer, who, founding himself on acts of parliament, issued various publications to prove, that whoever took up arms against the king's person was guilty of treason, that the great seal of the parliament was counterfeit and of no validity, that no act of parliament was binding upon the subjects of the realm without the assent of the king, and that the indemnity sought by the army was in like manner of no validity without that assent. He used his utmost industry to widen the breach now ex-

isting between the army and the parliament. He was held to be no mean proficient in the science to which he had devoted himself, and is said to have been frequently consulted by Noy and others of the most eminent of his brethren [u]. Jenkins undertook to instruct Lilburne in the law and its subtleties; and sir Lewis Dives to persuade him that Cromwel and Ireton had made a compact with the king for their own personal emolument at the expence of the public and its cause; not that he really believed it, but that he judged that such a report would be of great advantage to the royal cause [w]. Lilburne, who was eminent for courage, but grossly deficient in steadiness and sound perception, was a person exactly fitted to receive the impressions these men desired to make upon him. He loved to buffet with the storms of life, and was never so happy as when engaged in earnest contention. He was easily won to confidence; he was even credulous; but he was prone to conceive grounds of suspicion: so that it was said of him by his contemporaries, that, "If there were none living but himself, John would be against Lilburne, and Lilburne against John [x]."

Insincerity and treachery of their proceedings.

Of what consequence to Lilburne, if he had

[u] Winstanley, Englands Worthies. Lloyd, Memoirs of the Loyalists. Wood, Vol. II, p. 328.

[w] Berkeley, p. 40.

[x] Rushworth, Vol. II, p. 468. Wood, Vol. II, p. 174. This sally, according to Rushworth, originated with Henry Marten.

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truly understood either his situation or his principles, were the maxims of our ancient, and, as it seemed on the point of becoming, our antiquated constitution and government by king, lords and commons? But these men cared not a jot for the welfare of their victim: whether he sank or swam was alike indifferent to them. They regarded him as the forlorn hope, that was to be counted for nothing upon the eve of a general engagement. Jenkins bewildered his understanding with the inapplicable dicta of the law-books; and sir Lewis Dives told him tales of Cromwel and his fellows, of which he, the teller, believed not a syllable, but which he thought it of importance to his purposes that Lilburne should swallow without examination or scruple.

John Wildman.

Among the agitators there was one man with whom Lilburne contracted an unbounded intimacy, John Wildman. He was bred at the university of Cambridge, and had early been noticed as a youth of uncommon promise. He entered himself in the army at the time that Cromwel first assumed the military profession, and immediately chose this illustrious man for his protector and guide. When the electing of agitators for the different regiments was entered upon, he was one of those who was named for that office; and he is said to have been greatly relied upon by Cromwel in the management of that business[y].

[y] Clarendon, Vol. III, p. 499.

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He is therefore, though perhaps born to a somewhat superior station, to be numbered with Berry and Desborough and Ayres and Evanson. But, though he loved Cromwel much, he loved the cause of liberty more; and he was one of those who at this time adopted the vulgar prejudices, and began to think that his first patron had always been, or was now becoming, a different man from what he had taken him for.

Fourth letter from Lilburne to Cromwel. Aug. 13.

The cabals which had been forming among the inferior, but more numerous class of the army, being in a state of considerable maturity, Lilburne once more, on the thirteenth of August, addressed a letter to Cromwel, in somewhat a different style from those which preceded [z]. He tells him, that this shall be the last application he will make to him. He says, "I have honoured you, and my good thoughts of you are not yet wholly gone, though I confess they are much weakened." He incloses a paper, which, he says, "if printed, with such a paraphrase as I could easily make, will, before you are three months older, pull you from all your present conceived greatness, as low as I am." This paper consists of a list of promotions in the army, engrossed by Cromwel and his family: himself lieutenant-general, and colonel of horse; his son-in-law, Ireton, commissary-general, and a colonel; his brother-in-law, Desborough, and his cousin, Whalley, colonels; Ireton's brother,

[z] Two letters to Marten, p. 7.

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quarter-master general of horse [a]; and Cromwel's two sons captains. He also reproaches him with his confidential connections, Harrison, colonel Hammond, Nathaniel Rich, Watson and Staines. He adds, "If you slight this, as you have done all my preceding addresses, the uttermost of my strength and interest shall speedily be among you, to produce such changes in your fortune as you little look for."

Increased alienation in the army against the officers. Sept. 13.

The answer of the king to the propositions of the parliament was given exactly one month subsequent to the date of this letter. And, though it may be considered as in a manner dictated by Cromwel and his brother-officers, it was observed on with great displeasure by the malcontents of the army. They remarked, that, within the space of a few weeks, Charles had rejected with open disdain, first, the proposals of the army, and afterwards, the propositions of the parliament. Such insolence was not to be endured. It was apparent, that God had hardened the king's heart, and blinded his eyes. They therefore conceived that it was now become indispensible, peremptorily to lay aside the king, and change the whole frame of the government [b].

Firmness of the leaders.

Meanwhile the line of proceeding adopted by the superior officers of the army was directly the

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[a] I do not find this officer's name in any of the contemporary writers. He may be the same person with John Ireton, lord mayor of London in 1659.

[b] Berkeley, p. 45, 46.

reverse of this. It had been promised by Cromwel and Ireton and Vane, that they would support Charles in his rejection of the propositions, and endeavour to bring on a personal treaty [c]. They still persisted in the scheme of policy they had already adopted. They conceived it to be of the greatest importance to keep the king in a favourable temper towards the army, and thus to baffle the intrigues which had been going on between the presbyterians, the Scots, and the royalists.

Further application to the king voted. Sept. 21.

The answer to the propositions came on to be considered in the house of commons on the twenty-first of September. It was voted, after a long debate, that Charles in this answer had denied his consent to the application of the two houses; and it was reserved for the next day to consider what should be done respecting the king, and his answer, and the persons by whom he was attended [d]. On the twenty-second it was resolved, that among others the matter of the proposition concerning the militia should be prepared to be sent to Charles for his consent; and the day following, that the house would once again make application to him for such things as they should judge necessary for the welfare and safety of the kingdom. Both these votes were carried on a

Sept. 22

[c] Ibid. p. 43.

[d] Journals. Rushworth, Vol. VII, p. 817.

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division by a large majority, Cromwel being one of the tellers for the majority on the first of these days, and colonel Rainsborough for the minority; and on the second day Henry Marten being a teller for the minority [e].

Lilburne offers to go into exile. Sept. 13.

Early in September Cromwel had an interview with Lilburne in the Tower. According to the representation of the latter [f], the object of this visit was to discover the plan of conduct Lilburne purposed to pursue, it being reported that, if he were discharged, it was his intention to go down to the army, and foment disturbances there. In answer to this enquiry Lilburne protested that so far was he from designing to trouble the army, the parliament, or the kingdom, that, if the house of commons would do him a reasonable portion of justice, in other words, would secure him the two thousand pounds which had been voted him for his sufferings in the Star-chamber, discharge him from the fine and imprisonment in which he had been condemned by the lords, and further advance him seven hundred pounds of the arrears due to him on account of his services in the war, he would immediately quit the kingdom, and engage not to return while the present troubles lasted. He says, that Cromwel appeared satisfied with the language that was held, and parted from him with "divers fair promises" of satisfaction and deliverance.

[e] Journals. [f] Additional Plea to Maynard, p. 22.

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Patriotism defined.

One remark which immediately suggests itself upon this interview, is that, whatever were the merits of Lilburne in other respects, he is scarcely on this occasion to be considered as a patriot. It is curious that, in a letter to Fairfax written about this time, the following expression occurs: "What good will liberty in England do me, unless my cause is judged[g]?" A patriot is in the first place the opposite of a selfish character. The love of his country swallows up all private affections within him. He is at all times ready to sacrifice his interests and his life for the common good. He is a centinel whose post is assigned him, and no threats and no sufferings can induce him to desert it. He thinks that, be his powers of usefulness greater or less, there is still some good he can do, and some benefit he can confer on his countrymen, especially in the hour of peril and difficulty. Undoubtedly Lilburne has much to say in his excuse. His sufferings had been great, the injustice he had experienced was atrocious, and he scarcely knew in whom to confide. Let us not judge the proffered desertion of Lilburne with too much severity: but it is the province of history to distribute justice with discernment; and she must therefore not suffer herself to set down Lilburne for an eminent patriot.

Lilburne's case taken into consideration.

On the fourteenth of September the report of

[g] Jugglers Discovered, p. 5.

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Marten's committee on the case of Lilburne at length came on to be heard. But, instead of the issue being as Lilburne sanguinely anticipated, *his immediate deliverance, it was resolved that the report should be recommitted to the same committee, that they should meet upon it from* day to day, beginning that very afternoon, and that they should search for precedents what had been done in cases of a like nature[h]. Lilburne was informed, that Cromwel was the man that moved this resolution; and that in moving it he observed, that the case was so knotty and of so great concernment, that they ought to call on such lawyers as were members of the house "to debate it *pro* and *con*[i]."

Cromwel's conduct respecting it.

To understand this account it is necessary we should advert to the character of Lilburne. The impetuosity of his disposition did not allow him to weigh opposite probabilities and opposite reports; and he easily credited what was told him, when it coincided with his preconceived idea. But in reality there is nothing inconsistent with the character of Cromwel, or of an honest public man, in the greater part of what is above stated. Marten's committee had been expressly instructed to enquire into the facts of the case; and now naturally came the question what was the law in application to it. Was it necessary, or was it

[h] Journals. [i] Additional Plea to Maynard, p. 23.

decorous, that the commons should commit themselves with the lords without examination in this point? Nothing could be more proper than that the lawyers in the house should be called on for their opinion. And the direction that the committee should sit daily, argues but little in favour of the idea of a studied delay. The addition, that the lawyers were to be called upon "to debate the matter *pro* and *con*," it will easily be seen, was the mere colouring of Lilburne's informer, or of Lilburne himself. Certain it is however that Cromwel was at this time little inclined to engage in any proceeding hostile to the house of lords.

Plan to assassinate him.

In the mean while Lilburne's attention was principally confined to the injustice under which he was suffering. He had, by a naked vote of the house of lords, been condemned to an imprisonment of seven years. He had sought by every means to attract the attention of the commons, of Cromwel, and of the army, to his hardships.

So far as he went out of himself, he saw the public suffering from the same cause, from which he suffered. Cromwel had professed a bold and energetic feeling for the general cause, and had, it seems, made to Lilburne many fair promises. But now he was in cabal with the most venal of the followers of the king; and the house of lords, of which Cromwel had often spoken in terms of unmeasured contempt, were his white boys. He had sold himself, so Lilburne was taught to be-

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lieve, for titles and ribbands, and had resolved to replace the king in the full plenitude of his authority, under whom he would henceforth act the part of the most corrupt and slavish courtier England had ever seen. Under these circumstances Lilburne determined by one daring blow to deliver his country from slavery, and to avenge the multiplied contempts and delusions he had himself experienced. Wildman heartily concurred with him in the project. What other accomplices were engaged in the conspiracy we are not told [k].

A considerable degree of obscurity hangs over this plot. We are not told by what means it was discovered, nor how it was defeated. Be this as it will, the clemency and magnanimity of Cromwel, it seems, passed it over as if nothing

[k] The information we possess on this subject is extremely slender; but the conclusions to be drawn from it appear to be strong. It consists merely of two passages from Berkeley and Hollis; the first general, the second particular. Berkeley says, p. 42, Cromwel "conjured us at this time not to come so frequently to his quarters, but to send privately, the suspicions of him being grown to that height, that he was afraid to lie in his own quarters." Upon this it is only necessary to observe, that Cromwel was not a man to profess fear where he did not feel it, or to feel it without cogent and unquestionable grounds of apprehension.

The passage in Hollis is more precisely to the purpose. "Cromwel, Ireton, and the rest of their creatures and instruments, appeared for the king's interest in the house, seeming to desire his restitution. But the party would not give way to this; hatred to the king, envy and jealousies against their aspiring leaders, and a violent desire of having the work done at once, made them break out, fly in

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1647. Partial liberation of Lilburne.

had happened. Lilburne made the same proposal to the house of commons under his hand and seal on the fourth of October [l], which he had made to Cromwel in the preceding month; and on the fifteenth Marten's committee made its report according to order. The result was the appointment of a further committee on the same day, and the care of the business was particularly referred to Maynard [m], the celebrated lawyer, who accordingly became chairman of this committee. Lilburne had twice a special hearing before Maynard [n]; and on the ninth of November it was ordered by the house of commons, that he should have liberty from day to day to come abroad, to attend the committee and to instruct his counsel, without a keeper [o].

their faces, discover many of their villanies, and, as appears by that business of Lilburne and Wildman, even resolve to take Cromwel out of the way, and murder him for an apostate." Hollis, §. 177, 178. The date of Hollis's book is, 14 February 1648.

This evidence is material. Hollis certainly had no intention to flatter Cromwel, or to make him appear an object of obloquy to his party, in any degree beyond the fact. But what is most observable, he does not speak of the thing as a mere conjecture, a matter that might or might not be true, but as an affair of perfect notoriety. He infers the *secret* disposition of the party, from what "*appeared* in that business of Lilburne and Wildman, of a purpose to murder Cromwel." There must therefore have been proofs at the time, more than are now known to exist. Hollis, we are sure, was not a man to invent an assassination-plot of this sort.

[l] Journals. Additional Plea to Maynard, p. 20.

[m] Journals. [n] Oct. 20 and 28. [o] Journals.

CHAPTER XIV.

MUTINY IN THE ARMY.—AGENTS OF CERTAIN REGIMENTS APPOINTED.—CASE OF THE ARMY, BY THE AGENTS OF FIVE REGIMENTS.—AGREEMENT OF THE PEOPLE, BY THE AGENTS OF SIXTEEN REGIMENTS.—ADOPTED WITH ALTERATIONS BY THE COUNCIL OF WAR.—INTRIGUES OF CROMWEL.—FLIGHT OF THE KING.—RENDEZVOUS AT WARE.—THE MUTINY IS QUELLED.

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1647. Mutiny in the army.

THE project for the assassination of Cromwel had no sooner been detected, than Lilburne and Wildman turned their thoughts to another, and, as they trusted, a no less effectual way of counteracting the treachery and perfidy of the leading officers of the army. There were in the most respectable classes persons, who, while they judged as unfavourably of the conduct of Cromwel and Ireton and Vane, as these conspirators had done, were men of too pure and liberal a disposition to endure the thought of taking them off clandestinely. Such were Rainsborough, and Ewer, and Scot. Colonel Rainsborough was an officer of distinguished merit, and had recently been appointed by the parliament vice-admiral, or com-

Considerable persons by whom it was encouraged.

mander of the fleet [a]. Lieutenant-colonel Isaac Ewer was of the family of the barons Ewer of Wilton in the bishopric of Durham [b]. The third, major Thomas Scot, was a member of the house of commons, son-in-law of sir Thomas Maleverer [c], and one of the most inflexible republicans of this memorable period. He afterwards made a very distinguished figure in the history of the commonwealth.

Principles by which they were animated.

The views of these men were of the purest and noblest sort. They convinced themselves that Cromwel and Ireton had become apostates from

[a] Journals of Commons, Sep. 27. of Lords, Oct. 1.

[b] Heath, p. 198. The name is spelled Eyre in Rushworth, Vol. VII, p. 875, and in Whitlocke. But nothing is so uncertain as the orthography of names at this period: I find that of the celebrated Blake written Blague even in the Order Book of the Council of State; and Judge Berkeley is spelled Bartlet in the Journals of the Commons, Feb. 6, 1641, *et alibi*. The title of the baron is most commonly written Eure. Add to which, and this seems conclusive, the name of the governor of Hurst Castle (undoubtedly the same person commonly written Ewer) is spelled Eyre, Journals of Commons, Dec. 14, 1648.

[c] Noble, Lives of Regicides, Vol. II, p. 197. The son-in-law of Maleverer is however stiled colonel in 1646 (see Noble); the mutineer therefore is supposed by this author to be his son. Meanwhile it is to be observed, that the mutineer was a member of parliament (Journals of Lords, Nov. 16); and there is but one Thomas Scot in the list of the house of commons in Browne's Notitia Parliamentaria, who was undoubtedly the son-in-law of Maleverer, as further appears from the same document (Noble, Vol. II, p. 197) in which he is stiled colonel.—This document is an inscription on the tomb of his wife, and may have been put up after Scot, from a major, had in the course of promotions been made a colonel.

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the public cause. They became persuaded that their clandestine proceedings required a check. They industriously propagated through the army the same jealousies which they themselves entertained. They said, We loved these men (as most truly they had done); but we love the cause of liberty and our country more. We will, if possible, shame our commanders into a return to the paths of duty. Or, if we cannot do that, we do not doubt that a majority of the army is penetrated with zeal for a republican government; and we feel assured, that the public spirit of these, fully enlightened, and under proper direction, is adequate to the accomplishment of every thing that is wanted. We will offer ourselves as their leaders. We will shew our apostate commanders, that men of the greatest talents, and who had once the strongest hold upon the affections of those who fought under their banners, are as impotent as a new-born babe, when they desert the principles to which they were indebted for their ascendancy.

Agents of certain regiments appointed.

These persons then united themselves with Wildman and Lilburne in a project for counteracting and defeating the treachery of their commanders. The hint of their plan was borrowed from the institution of the agitators in the spring of the year, the basis of which was the election of representatives by the soldiery, to collect and express the sentiments of the army. But the agitators, who, as we have seen, derived their origin from Cromwel, and had for their leading members

some of his most confidential adherents, were too much under the influence of their superiors, to answer the purposes now meditated. There were among the agitators many discontented individuals, who looked with sufficient distrust into the conduct of their commanders. But, as long as these commanders possessed in their body members, on whom they could rely to give an account of and to check the designs of this representative body, the dissatisfied party felt themselves cribbed and restrained in their designs. The present scheme therefore led to the election of a new set of men, denominated agents. These men it seems, unlike the agitators, were authorised in some cases to consult and transact for those whom they represented, at a distance from their respective regiments[d]. Several of them appear to have resided temporarily in London[d], and in consequence to have had peculiar facilities of negociating and consulting with various discontented persons (Lilburne no doubt among the rest), who were not themselves members of the army.

Cromwel accused of treachery.

It is obvious how many popular topics the malcontents had at their command, to infuse and increase the insubordination of the military. Cromwel and Ireton had a most difficult business on their hands, which required, as they understood it, the consulting a variety of interests, and soothing

[d] Journals of Lords, Nov. 16, 17.

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and conciliating many discordant parties and sentiments. The demagogues knew nothing of this. Whatever did not go directly and vehemently to the point proposed, they regarded as dishonest, and pronounced to be treacherous. All temporising with the king, or the followers of the king, they conceived to be a betraying of the public cause. It had only been by negociating with Manchester, and Warwick, and Northumberland, and many individuals more or less devoted to the presbyterian party, that the grand point had been carried, of prevailing on the two speakers, and many others, not of Cromwel's party, to go and put themselves into the hands of the army. No doubt many stipulations had been entered into on that occasion, wholly incompatible with the ideas of the more violent persons in the army, and most of all with their favourite measure, of deciding that all persons who had sat in the house of commons during the absence of the speaker, had by so doing forfeited their rights as representatives of the people.

Allegations in support of the charge.

The topics therefore which were used on this critical occasion were, that the soldiers had given their confidence to their officers, and that these had abused their trust. The officers were seeking their private ends, and pursuing objects of personal ambition, instead of attending to the general interest. It was to be remembered, said they, that the officers had entered tardily and with an

ill grace into the business at first, and only as they were driven by the agitators. They were now won over by the smiles of royalty, and anticipated the advantages they should derive from titles, and honours, and pensions. They had blamed the presbyterian leaders a while ago for trafficking with the king; and now they went ever and anon to court, and were in perpetual intercourse with the most obnoxious and odious of Charles's followers. Such were the accusations brought against them, and we shall presently see the formidable effect that was produced.

Cromwel secretly pleased with these proceedings.

We are apt to be surprised that Cromwel should have permitted the principal author of this mischief to go almost at large, when he had it in his power perhaps to proceed against him for a capital crime. But this difficulty is not incapable of solution. Lilburne tells us, that Cromwel asked him, whether, if he were set at liberty, it was not his intention to go down to the army, and create disturbances there. Lilburne in answer offered to leave the kingdom, if a certain compensation was granted him. This offer was not accepted: perhaps the accepting it did not suit the views of Cromwel. It was a repeated piece of policy with this consummate politician, to seem to be forced to that which he had most a mind to. It cannot reasonably be doubted that Cromwel and Ireton and Vane and St. John[e], and all the leading men of that

[e] As to St John, see below, Chap. XVI, note.

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party, were at this time republicans. They had chosen for a while to appear to court the king, and thus to counteract the intrigues of the presbyterians with the royalists. But this game, upon their principle, must have an end. It had already answered most important purposes to them, in causing the banishment or expulsion of the eleven members, and in inducing the king to reject the propositions of the parliament. They must at some time change their language towards Charles, and check his pride. But how was this to be done? Cromwel and Ireton especially had been profuse in their expressions of good will towards him. It is not in our nature to substitute one form of countenance and demeanour, for another precisely opposite, without seeking some pretext for doing so. That which they most desired was to be able to say, We should be happy to go on with your majesty; but the soldiery are turbulent and ungovernable, and we are not strong enough to resist them. This seems to be the true clue to the events which occurred at this period.

Extraordinary subtlety of Cromwel and Ireton.

Taken in this point of view, nothing can be more worthy of observation, than the conduct which these persons at this time held. They seem to have regarded all the parties engaged in the scene, as mere puppets, to be moved this way and that purely at the pleasure of the masters of the exhibition; and they did not for a moment distrust their ability to bring the whole to the desired issue. The king rejected the propositions, for they prompted him

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to do so; the courtiers for the same reason advised him to that proceeding; the most powerful of the presbyterians left London at a certain moment for the army, for Cromwel and Ireton drove and lured them to that extremity; they to a certain degree even made use of and temporised with the members who had sat in parliament during the absence of the speakers; and now Lilburne and the new agents undertook by rude violence and force to compel the superior officers of the army to adopt that line of policy in which these officers of their own accord were most anxious to engage. It was therefore not without reason that sir Allen Apsley told Berkeley, when he came over from France to join Charles upon the invitation of Cromwel and Ireton, "You will have to do with subtle men, who govern themselves by other maxims than the rest of the world[f]".

Military establishment voted.

At this time the independents had a decided superiority in both houses of parliament; and on the seventeenth of September the commons came to a vote, that, until affairs were better settled, and in order to the future relief of Ireland, the establishment of the army at home should stand at eighteen thousand foot, seven thousand two hundred horse, and one thousand dragoons[g]. These votes, five days after, received the concurrence of the lords[g]. At the same time it was

[f] Berkeley, p. 10. [g] Journals.

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determined that five regiments of foot of twelve hundred men each, four of horse of six hundred each, and five companies of dragoons of one hundred men each, should immediately be put in readiness for the relief of Ireland [h].

Propositions to the king reconsidered.

It has already appeared, that Cromwel and his associates carried in the house of commons on the twenty-second and twenty-third of September, that the king should once again be applied to for such things as parliament might judge necessary for the welfare and safety of the kingdom [i]. The policy of this proceeding was certainly nothing more, than to keep up the hope in Charles of obtaining the restoration of his authority through the chief officers of the army; to discharge their promise to him that, if he rejected the propositions, they would endeavour to obtain favourable terms for him; and to maintain the present position of affairs, till they had found a favourable opportunity to bring forward at once the scheme they contemplated. Accordingly in discussing the propositions that should be sent to the king afresh, they omitted none of those which they knew would be most unpalatable to him, for instance, those for abolishing episcopacy, and for utterly taking away the use of the Book of Common Prayer. At the same time the formalities incident to the discussion drew out the business into length. It

[h] Journals of Commons, Sep. 16. of Lords, Sep. 22.

[i] See above, p. 429.

was not till the last day of the month that some of the propositions were sent up to the lords; and the whole of October, and the early part of November, were consumed in a sort of amicable discussion between the two houses upon certain particulars of the tender to be made[k].

Case of the army by the agents of five regiments.

In the mean time the affair of the mutiny proceeded in a manner somewhat alarming. We are not informed by what steps the project advanced for the appointment of the new agents, but are presented at once with a paper simultaneously signed at Guildford on the ninth of October, by the agents of five regiments of horse, that is, the regiments of Cromwel, Ireton, Fleetwood, Whalley and Rich.

Its tenour.

In this paper, which is entitled the Case of the Army[l], a complaint is made, that, while none of the grievances brought forward in their different engagements and remonstrances since the fifth of June are redressed, preparations are making for dispersing the army into different counties as a step to precede their disbanding, that the train of artillery is on the point of being dissolved, and that thousands who had concurred with them in the great public points which form the subject of these representations, are about without delay to be embarked for Ireland. They intimate that in

[k] Journals.

[l] Tracts, Gift of Geo. III. to the British Museum, Vol. 333.

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all this they are betrayed by their officers, who are entering into a combination with the house of lords, with the presbyterians who still dared to shew themselves in the commons, and with the king's friends, for the ruin of the army. These officers, lured by ambition, by the love of power and the love of gain, are now willing to make sacrifice of the public cause. They therefore call on the soldiers in the different regiments firmly to engage to each other, that they will never divide or be dispersed, not only not till the injuries of the army be redressed, but also not till certain specific and important points be carried for the nation; as, first, that a period be set to the present parliament, for example, that it shall dissolve in nine or ten months from this time; secondly, that future parliaments shall be biennial and chosen by universal suffrage, that a period shall be set at which they shall invariably assemble and dissolve, and that in the interval they shall not be adjournable but at their own pleasure; thirdly, that the house of commons shall have the sole power to make and repeal laws, to call to account all public officers, to continue, suspend or remove them, and to appoint all kinds of governors or officers as they shall judge most conducive to the public good; fourthly, that all monopolies, tithes, and examinations of a person accused by interrogatory shall be abolished, and that the laws of England shall be so abridged and methodised that

Its republican character.

the whole code may be comprised in one volume.—It is to be observed that this is the first public document in which republicanism is insisted on in unequivocal terms.

Its intemperate allegations.

The Case of the Army further indulges in much vague declamation. Its authors assert, that the greatest mismanagement has prevailed in the administration of the national finances, that if due economy had been observed, all public charges might have been paid, and many millions have remained at the disposal of parliament, and that millions are now secretly deposited in the halls and companies of the city of London. They allege that the time was wholly corrupt when the sale of the bishops' lands was ordered, and that consequently they were disposed of by favour, and at prices that bore no proportion to their intrinsic value. They therefore recommend, that the sale of all lands so disposed of shall be annulled, and a fair and just sale be set on foot, and that, beyond the sale, a certain portion of these lands shall be reserved to furnish a constant pay to the soldier, and another portion to supply an annual revenue to the state.

Foundation on which the allegations were built.

There was unfortunately some ground for a part of the complaints exhibited in this paper. The pay of the army was by no means constantly supplied; and free quarter and other grievances were the consequence of this remissness. Cromwel and the heads of the army undoubtedly

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entered into various compromises with the lords and other parties with whom they had no cordial understanding, and observed certain politic rules with the king and his friends, things which were little understood, and by no means willingly allowed for, by the demagogues, and by masses of the privates of the army. They also certainly held somewhat of a different language now, from that which they had judged it expedient to employ, when the army first, at their instigation, was prompted to dictate to the parliament. They then taught the army to state, that by becoming soldiers they by no means conceived themselves to have surrendered their character as citizens; but now Fairfax is made to say in a letter to the house of lords, "Though the matters which concern the settlement of the kingdom do not so properly move from us as soldiers, yet, as Englishmen, we cannot but continue our humble and earnest desires that they may be settled to satisfaction [m]".

Case of the army presented to Fairfax.

The Case of the Army, though dated on the ninth of October, does not appear to have been presented to the general till the eighteenth. It was then accompanied by a letter from the same agents, dated from Hampstead [n].

Agreement of the People by the agents of sixteen regiments. Nov. 1.

The mutiny appears to have had a rapid spread; and on the first of the following month we are

[m] Journals of Lords, Nov. 16.

[n] Tracts, Gift of Geo. III, Vol. 333. Rushworth, Vol. VII, p. 845.

presented with a paper of Proposals from the Agents of the five regiments already mentioned, together with the agents of four other regiments of horse, and seven of foot, who had since joined them. It is introduced by a letter from the agents of the five regiments, addressed to all the free commons of England, in which they state the paper to be an extract from the Case of the Army, of such particulars as they recommend for general adoption. These are, that the present parliament shall be dissolved on the last day of September 1648, that the distribution of the people for electing members of parliament shall be made more equal than the present distribution by counties, cities, and boroughs, that the parliament shall be chosen once in two years, on the first Thursday in March, and shall sit from the first Thursday in April to the last day of September, and that the power of the representative body so constituted shall extend, without the consent or concurrence of any other person or persons, to the making laws, the appointing all magistrates and officers, and the determining all questions of war and peace, and of foreign negociations. The paper goes on to specify certain points, which are not committed to the discretion of the representative body, but are reserved as sacred and unalterable: such as, matters of religion and the worship of God (allowing however the parliament to settle the public mode of instruction, so it be not com-

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pulsory); the matter of impressing men to serve in the wars, which is declared incompatible with freedom; and the existence of any privilege, exempting any person from the ordinary course of legal proceeding, which is determined to be an intolerable abuse. It is also directed, that no person, after the dissolution of the present parliament, shall be questioned for any thing said or done in reference to the late contest. This paper is entitled, An Agreement of the People for a firm and present peace on the ground of common right, and is offered to the concurrence of the nation[o].

Taken into consideration by the council of war.

That sixteen regiments, or their representatives, or persons pretending to represent them, should have concurred in this Agreement, was in itself sufficient to give the matter a serious aspect. It is to be observed also that the Agreement is drawn up in a close and sober form, omitting all the inflammatory and intemperate matter which is to be found in the Case of the Army. Meanwhile, whatever were the motive, there was now an appearance of good understanding and mutual accommodation between the malcontents and the chief officers of the army[p]. On the twenty-second of October, the paper, called the

[o] This paper is to be found printed as a separate tract. There is also a copy of it, without the title, in Rushworth, Vol. VII, p. 859. This copy however is incorrectly printed.

[p] Rushworth, Vol. VII, p. 861.

Case of the Army, was first taken into consideration by the military council at Putney, at which appeared a great meeting of officers and agitators; and a committee of twenty, including Ireton, sir Hardress Waller, Dean, Overton, Rich, Hewson, Rolph and Sexby, was appointed, to examine into its contents, and prepare a vindication of the army from the aspersions contained in it [q].

Question of royalty considered.

But on the second of November this committee laid before the general council certain heads of proposals to be submitted to parliament, in which they adopted the principal points in the Agreement of the People, only adding certain provisions in which the king was included. This subject seems to have occupied the military council during this and the four following days [r]. On the fourth of the month it was moved, that they should consider of certain alterations and additions to be desired in the propositions to be sent to the king [s]. But upon this a previous question was raised, whether royalty was an office that was to be allowed to exist in the future government of England. Cromwel, we are told, promised that the point should be fairly discussed on the following day; but Ireton withdrew, and protested that, if the question were brought forward, he would wholly absent himself from their

[q] Ibid. p. 849. Letter from Head Quarters, October 22.

[r] Rushworth, p. 861, *et seqq.* [s] Ibid. p. 863.

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meetings[t]. It was also granted, on the same day on which the proposals were voted, that there should be a general rendezvous of the army, for the purpose of more fully collecting their sentiments, and arriving at a unanimous result[t].

General rendezvous granted.

Policy of Cromwel.

In the interval from Saturday, the sixth of November, to Monday, the eighth, Cromwel changed his politics, or assumed the appearance of having changed them. The scope of his present design was to put an end to the double game he had been playing with the king. He had vanquished the presbyterians, and seemed to have the parliament, both lords and commons, at his command. He resolved however not to come to a sudden breach with Charles. It would be safer, and answer his purpose better, rather to entrap the king, than to defy him. Cromwel was moreover anxious to subdue the army, as he had subdued the parliament. The spirit of mutiny and disobedience among the soldiery had gone too far. If he had winked at it, or even nursed it in the first instance to answer a purpose, he also well knew how to quell it. What he resolved was, to strike an impressive blow with the army, and to draw in and inveigle the king.

Votes of the general council. Nov. 8.

Monday is said to have been the day, on which the question of king or no king was finally to

[t] Letter from Several Agitators to their Respective Regiments, Nov. 11.

come on in the general council of the army. But, when the council met, the superior officers peremptorily declared that no such question should be put [v]. A resolution was then proposed and carried under their influence, that, whereas many distempers were reported to be in the several regiments, to the end that a right understanding might be established, and the army tranquillised, the officers and agitators should resort to their several commands, preparatory to the proposed rendezvous [u]. The next day the council sat again, and it was now determined, that, instead of one general rendezvous, as had previously been settled, there should be three, to take place in succession at places not very remote from each other; and, as the officers and agitators were for the present to leave the head-quarters for their respective regiments, the council, in conclusion of the business of the day, agreed to adjourn their sittings till towards the end of the month, when it might be practicable for them to meet again in full assembly [w]. One thing more occurred at this sitting. Four days before, it had been voted, in compliance with the mutineers, that a letter should be sent from the general to the house of commons, to clear the army from any intention, in the votes they had come to on the preceding day, to con-

Plan for a rendezvous altered. Nov. 9.

[v] Ibid. Rushworth, p. 866.

[w] Letter from Several Agitators. Journals of Lords, Nov. 17.

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strain parliament to send any further propositions to the king [x]. Now, it was declared by the council, that, if any person should put a construction upon that letter, as if they were against sending propositions to the king, it would be an utter mistake of their meaning, which was only to assert the freedom of parliament [y].—It is worthy of observation, that on this very day it was ordered by the house of commons, that John Lilburne should have liberty from day to day to come abroad without a keeper [z].

Plan of Cromwel respecting the king.

Such were the steps taken in the general council at Putney, preparatory to the first rendezvous, which was appointed to take place on the fifteenth at Ware. It is perhaps sufficiently obvious from what has been already related, what was the policy Cromwel had resolved to pursue, and at what conclusion he had fixed it should terminate. He designed to break off the negociation in which he had for months been engaged with Charles; and he purposed so to prepare events, as that it might seem that the change was forced upon him, by circumstances not in his power to control. He determined to have the person of Charles entirely at his disposal; at the same time that this new situation should not be brought about by violence,

[x] Journals of Commons, Nov. 6. Letter from Several Agitators.
[y] Rushworth, p. 868. [z] See above, p. 435.

but that the king himself should lend his aid to produce it.

1647. Situation of Charles recapitulated.

To see distinctly the way in which the whole plot was conducted, it is necessary that we should go a little way back. While it was in progress, it was contrived that Charles's condition should be rendered more and more uneasy to him. He had gradually been allowed almost every indulgence he could desire. The first was the attendance of his chaplains; next, a free and liberal intercourse with his children; then came the court that seemed to be paid him by the superior officers of the army; and lastly, the indiscriminate and unrestrained resort to his person, of all the most notorious and obnoxious royalists.

He abuses the indulgencies granted him.

Charles was disposed to make the largest use of every indulgence that was granted him. We have seen that the favour he experienced, and the large professions of devotion he received, from the superior officers of the army, did not restrain him from going the greatest lengths in dealing with their most inveterate enemies [a]. Clarendon says, that here at Hampton Court was laid with the Scottish commissioners the foundation of that engagement, which afterwards produced the second civil war in the following year [b]. And we can scarcely doubt, that the leading officers of the army, were now sufficiently acquainted with

[a] See above, p. 396, 397.

[b] Clarendon, Vol. III, p. 72.

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the unblushing declarations of perfidy in his dealings with them, which were contained in his letters to the queen.

Summons council to attend him.

But Charles resolved to proceed one step further, not indeed in deception and duplicity, but in an easy and assured assumption of the position appropriated to the first magistrate of the country. In the beginning of October he summoned to him at Hampton Court the duke of Richmond, the marquises of Hertford and Ormond, the earls of Southampton and Dorset, and some others, for the purpose of forming a regular council, with which he should at all times have an opportunity to consult upon whatever related to him in his regal capacity. But this was thought an assertion of his functions as a king, too glaring for the situation in which he was placed. An intimation to that purpose was accordingly given; and these noblemen left the court for London on the second day after their arrival [c].

Check given to his incroachments.

His favourite attendants dismissed.

This was the first instance in which the career of Charles, prosperous as far as regarded a few external circumstances, received a check. It was succeeded by a regular series of privations. About this time Cromwel put it emphatically to Berkeley and Ashburnham, that it would conduce to the king's advantage that they should come less frequently to his quarters, as strong suspicions

[c] Rushworth, Vol. VII, p. 836. Whitlocke, Oct. 9.

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had gone out against him, and he was in consequence rapidly losing his weight and authority in the army [d]. The next step was to drive from the person of Charles one and another of his confidential attendants. Berkeley was removed by a vote of the military council, and Ashburnham a short time after [e]. The guards that were set on the king changed their manner, and continually became more boisterous and rude; and Charles every day received private notices, that his enemies had ill designs against him, and that it behoved him to look to his personal safety [f]. His guards were doubled; not so much perhaps that he might be held in securer custody, as that it was intimated to him by Cromwel and others, that this precaution was necessary to prevent any violence that might be attempted upon his life [g].—It may be worthy of observation, that much about this time colonel Hammond, an officer particularly in Cromwel's confidence, was appointed governor of the isle of Wight [h].

He is alarmed for his safety.

In the beginning of October the earls of Loudon and Lanerick came from Scotland, and the earl of Lauderdale went with them to wait on the king. They communicated to him the sense of the people of Scotland, who judged the happiness

Cabals of the Scots.

[d] Berkeley, p. 42. [e] Ibid. p. 44, 46.

[f] Clarendon, Vol. III, p. 76. Ashburnham, *apud* Hammond's Letters.

[g] Ibid. [h] Journals of Commons, Sept. 6.

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of their nation materially to depend on his being settled upon the throne. They told him, that if he would once yield the point of establishing the presbyterian discipline throughout the island, he might have what terms from the Scots on other matters he should think proper to demand, but that without that he must expect no better usage from the church-party there, than he had met with at Newcastle. A little after this, Lauderdale and Lanerick, being informed that Charles was to hunt in Nonsuch Park, suddenly made their appearance there with fifty horse for the purpose of carrying him off; but the king refused to go with them [i].

They attempt to carry off the king: he refuses to go.

Purpose of the mutineers to possess themselves of his person.

The possession of the person of the king was at this time a great object with all parties; nor was this point by any means overlooked by the mutineers of the army. They had an example before them by which to regulate their motions. One of the first steps taken by the agitators more than five months before, was the adventure of Joyce in seizing the king at Holdenby. They proposed to copy this proceeding, and to remove Charles out of the control of the military council, as Joyce had removed him out of the control of the parliament [j]. In the present instance however the step might be attended with more memorable consequences. The mutineers were to a man republi-

[i] Burnet, Memoirs of Hamilton, p. 324. Berkeley, p. 48, *et seqq.*

[j] Berkeley, p. 46.

cans; they had acquired the appellation of levellers; the idea of an equal division of property was indeed confined to a few enthusiasts; but the abolition of all privileges and privileged orders, of king and lords, at which they professedly aimed, was thought sufficiently to entitle them to this new name; and it was the more dear to their adversaries, inasmuch as by its ambiguity it would render them twofold an object of hatred and terror. How men impressed with an aversion to the name of king, and who were for the most part of meaner habits and sentiments than any set of men who had hitherto had the ascendancy, might treat Charles when in their possession, might be matter of serious consideration [k].—It

King resolves on flight.

[k] It is here necessary again to recur to the distinction between the agitators and the new agents. The agitators were a set of men chosen by the soldiers in each regiment, who formed a sort of council at head-quarters, sometimes sitting and consulting with the general officers, and sometimes consulting and deliberating apart by themselves. The agents, whom we first meet with five months later, at all times held their consultations apart from the general council, and occasionally at places remote from the head-quarters, and even in the metropolis. Hence we find them sometimes receiving the appellation of the London Agents. Fairfax insinuates that he knows not from whence they derived their authority (Journals of Lords, Nov. 16, 17): but we find, by the confession of Whalley's own troop, in a sort of manifesto promulgated against the agents, that they were chosen in the same manner as the agitators, but were designed, as is there affirmed, to act only in subordination to the general council, and to the agitators first chosen (Narrative of the Rendezvous, Nov. 15. See Tracts, Gift

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was the apprehension of what might arise from the designs of the mutineers, that decided Charles to seek his safety by secret flight.

Fixes on the isle of Wight.

The resolution that guided the king in the choice of the place of his retreat was, that he would not withdraw himself out of the kingdom till the proposed rendezvous had taken place, where he believed if the superior officers prevailed, they would make good their engagement of restoring him on certain conditions[1]. In addition to which he conceived, that a main advantage he possessed in negociating with the Scots

of Geo. III, Vol. 338, No. 13). The agitators, properly so called, seem at this time to have been the advocates of military discipline and subordination; they were now dispatched in various directions to the respective regiments to compose the rising discontents: but the agents, by their own avowal, considered the true interests of the army as betrayed by the general council, and made it their business to fan the flame of dissatisfaction.

Meanwhile, any person consulting the documents of this period, will find himself grossly misled, if he expects to see the two terms of agitators and agents always accurately used, and set in strict distinction from each other. The name, agitator, was popular with the military and their friends; and the term is accordingly usurped once and again by the members of this new establishment. Thus, even in their first rescript, entitled, the Case of the Army by the Agents of Five Regiments of Horse, we find the word "agitators" written after their names at the end: and the letter, written on the eleventh of November, to complain of the tergiversation of the general council, is entitled a Letter from Several Agitators to their Respective Regiments.

[1] Berkeley, p. 49, 50.

was their desire to separate him from the army, and that, if that purpose were first accomplished, they would afterwards prescribe to him much harder conditions[l]. How he came to fix on the isle of Wight is more difficult to resolve. Ashburnham expressly avers that there was no communication between him and any member of the parliament or the army on the subject[m]; yet only he appears to have been in the secret of the king's selection before he began his journey. There is every reason to believe that this place was chosen by Cromwel for the purpose; but we are unacquainted with the chain of impulses by which he guided Charles's determination. One circumstance that influenced the king was that colonel Hammond, the governor of the island, was the nephew of his favourite chaplain; another appears to have been, that the garrison of Carisbrooke Castle, when Charles arrived there, consisted of only twelve men[n].

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[l] Berkeley, p. 49, 50. [m] Ashburnham, *ubi supra.*

[n] Berkeley, p. 65. Undoubtedly the soldiers had suffered much from the unjustifiable manner in which their pay had been allowed to run into arrear; and, whatever were the sentiments propagated among them respecting the treachery of their officers, and the neglect with which they had acted in the cause of public liberty, there is nothing that comes so powerfully home to the most ordinary feelings of humanity as what relates to a supply of the necessaries of life. Accordingly, so far as appears, the principal officers were particularly earnest on that point; and the failure seems to have rested with the monied men in the city. In a re-

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1647. Partial rendezvous at Ware.

On the day of the appointed rendezvous seven regiments came into the field near Ware in virtue of the order of the general, four of horse, Fairfax's, with those of Rich, Fleetwood and Twisleton, and three of foot, Fairfax's, with those of Hammond and Pride. But there were two other regiments that made their appearance there without orders, colonel Harrison's of horse, and colonel Robert Lilburne's, the brother of John Lilburne, of foot. John Lilburne himself was at Ware, being come down to watch the events of this important day [o].

Two regiments attend uncalled for.

Fairfax's remonstrance.

The regiments which Fairfax had summoned were no sooner drawn up in order, than the general tendered to them, and caused to be read at the head of every regiment, a Remonstrance [p], in which he expostulated with them on the discontents that had gone forth, complained of the calumnies that had been spread against himself, the general officers, and council of the army, and protested in his own name and theirs, that they had

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presentation from the general council to the house of commons of the seventh of October, they say, "We do humbly conceive that the present and speedy dispatch of this question [of constant pay, and the removal of the grievance of free quarter] is the only basis and foundation for the rest of your affairs, however weighty they may be, and without which you cannot assure the kingdom's safety." Rushworth, Vol. VII, p. 838, *bis*.

[o] Journals of Lords, Nov. 16. Rushworth, Vol. VII, p. 875. Full Relation of the Proceedings at the Rendezvous.

[p] Journals of Lords, Nov. 17.

been conscientiously acting up to all their engagements, as far as could be done without the present destruction of the parliament; adding that, if they had neglected any thing in which they could have done better, they were still ready to amend their fault, and to hearken to what any man would soberly offer for that purpose. He concluded that, without the removal of those evils and that disobedience of which he complained, he could not, and would not, any longer undertake to discharge the high office which had been intrusted to him for the benefit of the kingdom.

Measures he promises to support.

The remonstrance went on to point out the objects, in the lawful prosecution of which the general was still willing to adhere to, and conduct, and live and die with the army. First, for the soldiery; the obtaining present provision for constant pay, and security for arrears, a full indemnity for all that had been done by them in the prosecution of the war, freedom from impressing, and a provision for maimed soldiers, and the widows and orphans of those who had been killed in the service. Secondly, for the kingdom; a period to be set to the present parliament, to end as soon as might be consistent with the public safety, and provision to be made for future parliaments, for the certainty of their meeting, sitting and ending, for the freedom and equality of elections, and to render the house of commons as nearly as might be an equal representative of the people.

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Acquiescence demanded by him.

The remonstrance concluded with requiring as many as were satisfied with these particulars, to subscribe a declaration of their readiness to acquiesce in what should be agreed to by the general council on these several points, and that they would every one of them be observant of, and subject to their general and his council of war, as well as to their officers in each regiment, agreeably to the established discipline of war.

It is observable that in this remonstrance, though the council and the new agents had differed on the second, and again on the ninth of November, on the subject of the king, he is not in any way referred to in this paper.

It is granted by the regiments summoned to attend.

The remonstrance was no sooner heard by the different regiments which the general had summoned to the rendezvous, than they unanimously professed their full and hearty concurrence in all that was there required of them [q].

Harrison's regiment submits.

The two regiments which had come without orders, were in a different frame of mind from those which appeared by Fairfax's appointment. They came into the field, with the paper called the Agreement of the People in their hats, having on the outside of it inscribed, "England's Freedom, Soldiers' Rights," and with other manifest tokens of disobedience. The soldiers had been urged on to what they did, by the seduction and prompt-

[q] Journals of Lords, Nov. 16.

ing of the new agents. But those of Harrison's regiment had no sooner had explained to them the professions and purposes of the general, than they tore from their hats the emblems of disobedience, and submitted themselves to the orders of Fairfax, in the same manner as those which preceded [r].

Behaviour of Rainsborough, Ewer and Scot.

Colonel Ewer and major Scot were observed in the field carrying themselves very factiously, not only publishing their own discontent, but stirring up others to do the same. Rainsborough undertook to present on the spot to the general a petition of many officers and soldiers, in which they profess themselves bound in conscience to keep together, with their swords in their hands, for the maintenance of the freedom of their native country [s].

Lilburne's regiment resists.

Colonel Lilburne's regiment was more obstinate than that of Harrison. They proceeded to such an extremity, as to have driven from them all their officers above the rank of a lieutenant [t].

Cromwel quells the mutineers.

Cromwel seems particularly to have distinguished himself in undertaking to quell the mutiny of this regiment. He rode up to them, and bade them take from their hats the tokens of their disobedience, which they refused to do. He then

[r] Ibid. Rushworth, p. 875, 876.

[s] Ibid. [t] Ibid.

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ordered fourteen of those who appeared most forward in promoting the disorder, to be taken from the ranks [v]; he caused three of them for example's sake to be tried on the field. They were condemned to death; and, being compelled to draw lots which of them should suffer, one was shot at the head of the regiment; the other eleven were delivered into custody [u]. Major Scot was put under restraint, and sent up to the parliament [u].

Address and humanity of Cromwel.

Thus the formidable business of the mutiny in the army was settled. It had proceeded during the whole of October, and the early part of November. Agents had been chosen for the different regiments. The agents of five regiments signed their Case on the ninth of October, and the agents of sixteen digested their requisitions on the first of the following month. They drew life from the patriotic and generous spirit of Rainsborough and Scot, and activity from the subtle and turbulent genius of Wildman and Lilburne. Never did any beginning appear more formidable. Cromwel was the only man that could dissipate the gathering tempest. What were his preparations and steps preliminary to the rendezvous at Ware, is left to conjecture. No doubt they were well digested and admirable. Of the nine regiments

[v] Ludlow, p. 222. [u] Journals of Lords, Nov. 16.

that came into the field, seven, though several of them had engaged in the affair of the new agents, immediately consented to the remonstrance of the general. Another, being expostulated with, proceeded to tear from their hats the symbols of disobedience. One only remained refractory. Cromwel rode along their front, and called on them to submit. They continued malcontent and sullen. With a penetrating glance he examined their countenances as they stood, and ordered fourteen to be instantly taken forth from their ranks. The genius of mutiny, the audacious soul of resistance, departed from them. All these tremendous demonstrations cost but a single life.

His magnanimity.

We are disposed loudly to applaud the humane temper and clemency of the man, who conceived the idea of effecting so mighty a purpose at so small an expence. But clemency, without its proper retinue of mental qualities, is nothing. What is most worthy to be admired, is the steady mind, the imperturbable frame of thought, the clear and strong apprehension, that saw how all this was to be made effectual, that put its hand at once upon the spring on which the evolution of mutiny depended, and stopped its motion.

His policy.

Upon this commendation there is but one drawback. Cromwel had permitted, we may almost say, had cherished, the beginnings and first essay of the mutiny he quelled. He suppressed it at

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small expence; but even this one life was a victim sacrificed by him at the shrine of his subtlety.—Here the character of the politician breaks out[w].

[w] It is somewhat singular that the record of this action is preserved only by Cromwel's mortal enemy, Ludlow. Clarendon and Echard tell a wild story; but without authenticity, and nothing to the purpose. They only knew the sort of man they spoke of, and have feigned a tale as they could, to put him on the scene. Clarendon, Vol. III, p. 87, 88.

CHAPTER XV.

CHARLES IN THE ISLE OF WIGHT.—DISSIMULATION OF CROMWEL.—FOUR BILLS SENT TO THE KING FOR HIS ASSENT.—IT IS REFUSED.—TREATY SIGNED BETWEEN THE KING AND THE SCOTS.—RECONCILIATION OF THE OFFICERS AND THE MALCONTENTS.

1647. Charles in the isle of Wight.

THE house of commons no sooner received information that the king was in the isle of Wight, than they dispatched their serjeant at arms to bring up Berkeley, Ashburnham and Legge, who had accompanied him, in custody[a]: but this was after wards waved.

His messages.

When Charles withdrew himself from Hampton Court, he left a written message to the two houses on his table, stating that he purposed for the present to withdraw himself from the public view both of friends and enemies[b]. And, six days after, he wrote a letter to the parliament, stating his reasons why he could not consent to the abo-

[a] Journals of Commons, Nov. 15.

[b] Journals of Lords, Nov. 12.

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lition of episcopacy and some other things that they required of him[c].

1647. Four bills proposed.

Notwithstanding the king's absence, the houses proceeded as before in the question of the propositions to be sent to him for his assent. But, the Scots' commissioners objecting to this mode, and pressing for a personal treaty[d], the lords, in seeming compliance, voted four propositions to be sent to him in the form of bills, which being previously sanctioned by him, they agreed that the most satisfactory way would be to admit of a treaty on the rest[e].

King sends Berkeley to the head-quarters at Windsor.

The king observed to Berkeley previously to his flight, that he was unwilling to quit the kingdom before the rendezvous, since, if the officers succeeded in quelling the mutiny, they would then be able to make good their engagements to him[f]. The rendezvous terminated in the manner that was desired; and Charles lost no time in dispatching Berkeley to the head-quarters, which were now at Windsor, to learn from Cromwel and Ireton what he was to expect. He was received by them in a general meeting of officers, where he delivered the king's letters; but their manner towards him was very discouraging. In the evening he obtained an interview with scout-master-general

His reception.

[c] King Charles's Works. Rushworth, p. 880.

[d] Journals of Lords, Nov. 18.

[e] Ibid. Nov. 25, 26.

[f] Berkeley, p. 49.

Watson, who told him that it was now resolved on, to bring the king to a trial, and what might follow on that he dared not think. Berkeley asked him, what was the meaning of this change, since the officers had had the advantage at the rendezvous? Watson answered, that the mutineers had in appearance been quelled, but that they were so far from being so in reality, that two-thirds of the army had been with Cromwel and Ireton, one after another, to tell them that they would leave nothing unessayed to bring the whole to their sense, though they perished in the attempt. Cromwel, he added, was terrified at the spirit that was manifested, and now bent all his thoughts upon making his peace with the party most opposite to the king. He acknowledged, that the glories of the world had so dazzled his eyes, that he could not discern the great work the Lord was doing; that he therefore desired to humble himself, and intreated the prayers of the saints, that God would forgive him his self-seeking. Through these arts he was reinstated in the fellowship of the faithful, and had now determined to go all lengths with them in the execution of their ends[g].

Dissimulation of Cromwel.

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[g] Berkeley, p. 69. *et seqq.* The letter which Berkeley brought with him, addressed by the king to Fairfax, is dated November 29. Rushworth, p. 918.

Ludlow has copied this whole passage into his Memoirs, p. 226, *et seqq.*, without a comment, as he has done one half of Berkeley's narrative. Hence several modern historians have asserted that

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1647. City threatened with military execution.

The other two proposed assemblings of the army passed off a few days after in a spirit of harmony and submission[h]. Still however it appears that no effectual remedy was applied to the grievances complained of, particularly with respect to pay and free quarter. The tardy coming in of the supplies for satisfying the army, was principally attributed to the disaffection of the common

two-thirds of the army were with the mutineers, and that Cromwel was compelled to yield to them (a matter not averred by either of these writers); and Maseres (Tracts relating to the Civil Wars, Preface, p. liii) gravely remarks, that Ludlow's Memoirs "agree perfectly" in this respect with Berkeley's (as a copy generally does).

The character of Ludlow as an historian is not generally understood. He was emphatically an honest man, and was a firm republican. But he was not a man of brilliant parts or of penetration. He wrote long after the events he speaks of, and with scarcely any documents. His integrity therefore is greatly to be relied on, but his accuracy little. He was vehemently prejudiced against Cromwel, because Cromwel finally turned against his masters; and he therefore willingly relates almost any thing to his disadvantage.

Ludlow follows up this story with the remark, "For my own part, I am inclined to believe that his son Ireton never intended to close with the king, but only to lay his party asleep, while they were contesting with the presbyterian interest in parliament." This is ridiculous, and betrays the bias of the writer's mind. We have no more reason to believe that Cromwel was dazzled with the glories of being to be made earl of Essex, than Ireton with the offer of the lord lieutenancy of Ireland. And we have seen in more than one instance, that Cromwel was disposed to go greater lengths in avowing the republican principle, but was held back by the caution of Ireton.

[h] Rushworth, p. 876, 878 Whitlocke, Nov. 18.

council and the city: and accordingly, on the nineteenth of November, the council of war voted that colonel Hewson, with a regiment of one thousand foot, should be quartered on the city, for the purpose, under the direction of the committee of parliament appointed for the business of the army, of compulsorily collecting their arrears. The two houses interposed, and desired that the proposed march of this regiment into the city might be delayed for the present[i].

Representation from the council of war.

Still nothing effectual seems to have been done on the subject, and the grievance continued unabated. On the seventh of December a very long representation from the council of war was delivered to the two houses, in a style that would least admit of evasion or delay. They desire that the sixty thousand pounds *per* month at present appropriated to the pay of the army, may for a short while be made up a hundred thousand, and again propose that the army, or a considerable part of it, may be quartered upon those in the city of London, who continued to delay or refuse payment of the assessments made upon them[k].—In the course of this paper it is mentioned, that the supernumeraries of the army, which are voted to be disbanded, amounted to little less than twenty thousand men.

Supernumeraries to be disbanded.

[i] Journals, Nov. 20.

[k] Journals of Lords.

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1647. Substance of the four bills.

The four bills which it had been determined to send to the king for his assent, were prepared with all reasonable expedition. The points to which they related were, first, that the military power should be vested in parliament for twenty years, with the power of resuming it even after that, if they judged the safety of the kingdom to require it: secondly, that the conduct and acts of the parliament in the late war should be justified, and all declarations and other proceedings against it made void: thirdly, that all acts and patents of peerage, which had passed the king's great seal since the time that it had been removed from London, should be annulled, and that no peers hereafter to be made should sit and vote in parliament without the consent of the two houses: fourthly, that the two houses of parliament should have the power to adjourn when and to what place they should think fit[1]. The four bills passed the two houses on the fourteenth of December, and were ordered to be sent to the king, together with the propositions already voted, the former for his

[1] One of the most extraordinary examples of falshood in Clarendon's History, whether wilful or otherwise, occurs in this place (Vol. III, p. 88). The first and second of the bills are described by him in substance as they were, only adding such colouring to each as the writer thought proper. But, instead of the two latter, he has substituted the following: "First, a bill totally to dissolve the government of the church by bishops, and to grant all the lands belonging to the church to such uses as they proposed; leaving the settling a future government in the place thereof to farther time

assent, the latter, that assent being first given, as the subject of a personal treaty in the isle of Wight[m].

The earl of Denbigh and lord Montague[n], with four members of the house of commons, arrived in the island, as commissioners to present the four bills to the king with a message, and to receive his answer, on the twenty-fourth[o]. They were allowed to wait ten days[p]. The king however dispatched them on the fourth. His answer contained, with some comments on the alleged unreasonableness of the requisitions, a refusal to sanction by a formal act any of the terms, till the whole treaty should be finished; and concluded, "His majesty is very much at ease within himself, for having fulfilled the offices both of a Christian and a king, and will patiently wait the good pleasure of Almighty God, to incline the hearts of his

They are refused.

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and counsels. Secondly, the king was to sacrifice all those who had served or adhered to him, to the mercy of parliament." The mildest observation that can be made on this passage is, that he who should take Clarendon for his sole guide to judge of the real character of the transactions of this period, might as well surrender his understanding to the invective and scurrilities of Heath on the one side, or to the Divine Catastrophe of the House of Stuart by Sir Edward Peyton on the other.

[m] Journals of Lords.

[n] Lord Montague was named as a commissioner, but did not attend.

[o] Journals of Lords, Dec. 27.

[p] Ibid. Dec. 14. Clarendon says, "only four days." p. 88.

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two houses to consider their king, and compassionate their fellow-subjects' miseries [q]."

1647. Reasons of Charles's refusal.

Undoubtedly Charles was placed in a very critical situation on this occasion. In his present fortunes it may safely be pronounced an ill-placed scruple, that he should have refused to grant these preliminaries till the whole treaty was concluded. But there were other circumstances materially affecting the state of the case. He had lately received Berkeley's communication, that the council of the army had decided to bring him to public trial as a criminal, and, if convicted, to proceed to public execution upon him [r]. If the army, which was now omnipotent, were determined to have no king, but a republic, with what heart could he enter upon terms of negociation? His desires coincided with those of the Scots, that he might be brought to London in safety and honour, under the guarantee of the parliament, there to adjust with the two houses, and the representatives of the Scottish nation, the conditions upon which he should be permitted to resume the royal authority.

Scots' commissioners protest against the four bills.

But what was most material, the Scottish commissioners arrived in the isle of Wight only one day later than the commissioners of the parliament, and with much formality delivered to the king a

[q] Journals of Lords, Dec. 31.

[r] See also Burnet, Memoirs of Hamilton, p. 330.

protest against the bills and project of peace which had been laid before him[s]. "How therefore," as Charles says in his answer to the parliament, "can I imagine it possible to give such an answer to what is proposed to me, as thereby to promise myself my great end, a perfect peace?"

Difficulties that arose in the business.

The misunderstandings, as we have seen, had been frequent, and of the most material consequence, between the two nations during the progress of the war. At the time when the Scots' army had delivered the king into the hands of the English, the presbyterians had recently obtained the ascendancy in the parliament, and therefore the Scots did not doubt that the two nations would proceed harmoniously in settling the terms of their mutual peace. The events that shortly followed, and the circumstance that the English army should attempt, and succeed in the attempt, to control and dictate to the parliament, were such as they had not in the smallest degree anticipated.

Zeal of the Scots in the cause of presbytery.

The bulk of the Scottish nation were at this time devoted to the cause of presbyterianism with a degree of religious fervour, that has never perhaps been exceeded in any country. The two great points in presbyterianism, were the equality and simplicity of church-government, in opposition to episcopacy, and an entire uniformity of religion, no other opinions, and no other form of

[s] Clarendon, Vol. III. p. 83

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worship being to be tolerated, except those by law established. These points were expressed most to their satisfaction in their darling formula, known by the name of the covenant. The subscribing to the covenant was the express condition on which they had granted their assistance to the English in the most critical period of the war; and it was for the purpose of establishing the ascendancy of the covenant in the southern nation that they had taken up arms. The obstinate refusal of Charles to assent to the covenant was the reason why the Scots withheld from him their further protection in the beginning of the year: it was absurd, they thought, that they should risk the involving themselves in war with the neighbour-nation, when the king persistingly set himself in opposition to that which they prized infinitely above all human interests.

They resolve to go to war on this point.

The same predilection guided them in all their subsequent conduct. The ascendancy of the army, particularly under its present officers, they regarded with the utmost degree of displeasure, because they knew that these men viewed the covenant with contempt, and were the avowed friends of sectaries and toleration. The seizure of the king therefore by Joyce occasioned them the most serious alarm; and it immediately became the resolution of the committee of estates in Scotland, to combine with the English presbyterians and with the king's friends to restore him to his royal

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authority, by force of arms, if arms should be necessary. The preliminary they required on his part, was his assent to the covenant, and that presbyterianism should be made the established church in England, in the same manner that it was already established in the northern kingdom. The earl of Lauderdale was dispatched to endeavour to convince him of the necessity of yielding this point early in the year: and the earls of Loudon and Lanerick joined him at Hampton Court in the beginning of October [t].

King again urged to assent to the covenant.

The negociations were at this time carried on with great assiduity; and Charles assured lord Capel, that he did believe it would not be long before there was war between the two nations [u]. The terms prescribed by those who were at the helm of affairs in Scotland were rigorous, and did not admit of any qualification. But the commissioners, particularly Lauderdale and Lanerick, professed great attachment to the king, and avowed their chagrin that it was not in their power to change the terms of the treaty. The treaty itself, it seems, was drawn up in Scotland; and Charles was required to subscribe it without modification, if he wished to derive any advantage from the favourable dispositions of his subjects in the northern kingdom.

Favourable dispositions of Lauderdale and Lanerick towards him.

[t] Burnet, Memoirs of Hamilton, p. 314, 323.

[u] See above, p. 397.

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1647. Substance of the Scottish treaty.

The conditions of the treaty were, that the king should oblige himself, at the earliest practicable opportunity, to be present in a free parliament, to confirm the solemn league and covenant by act of parliament in both kingdoms. He also engaged to confirm the presbyterian government in England, the directory, and the assembly of divines for three years; the king being at the same time allowed the form of worship to which he had been accustomed; and at the end of three years there should be a consultation of the assembly of divines, with twenty divines to be nominated by the king, and some for the church of Scotland, respecting the form of ecclesiastical government for England, to be confirmed by the king and the two houses of parliament. It was further provided that an effectual course should be taken by act of parliament for the suppressing all heresies and schisms, and whatever was inconsistent with a perfect uniformity in religion. In return for these concessions on the part of the king, the kingdom of Scotland obliged itself, first, to endeavour in a peaceful and amicable manner, that the king should come to London in freedom, honour and safety, in order to a personal treaty with the two houses of parliament and with the commissioners of Scotland; for which end all armies should previously be disbanded: and, secondly, in case this should not be granted, that a declaration should be issued against the unjust proceedings of the two houses

towards the king and the Scots, in which declaration the right of the king should be asserted in the government of the military, the use of the great seal, the bestowing of offices, and the exercise of his negative voice in the making of laws. They further obliged themselves, that upon issuing this declaration an army should be sent out of Scotland into England to carry its tenour into force, and that this army should be on its march, previously to the sending their pacific message, or issuing their declaration [w].

Scots' commissioners represent it as a formality only.

Clarendon gives an extraordinary account of the language employed by the commissioners to prevail on Charles to sign this treaty. "Their best argument was, that the treaty was such as no wise man could believe that it would be punctually performed. It was offered only to enable them to engage the kingdom of Scotland to raise an army, and to unite in his service, which less than those concessions would never induce them to do: but, when that army should have entered into England, and so many other armies should be on foot of his English subjects for the vindication of his interest, there would be nobody to exact all these particulars, but every body would submit to what the king should think fit to be done [x]."—We are naturally led to enquire, how

[w] Clarendon, Vol. III. p. 103, *et seqq.*

[x] Ibid. p. 108.

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Clarendon became acquainted with the strange language thus held by the commissioners? And the answer is simple, He knew nothing about the matter. But we shall presently see, that he thought it necessary to imagine such a discourse, to palliate, as well as he could, the conduct subsequently held by his royal master.

Charles delays signing the treaty.

As long as Charles remained at Hampton Court, he held out, and either refused or delayed signing the treaty that was offered to him [y]. In what spirit he refused we are left to collect from his language to lord Capel, to whom he said that he did really believe it would not be long before there would be war between the two nations, and accordingly desired Capel to watch such a conjuncture, and draw his friends together, without which the king could expect no great benefit from the success of the Scots [z].

It is signed. Dec. 26.

But, when he had arrived in the isle of Wight, the case was different. The English commissioners who brought the proposition of the two houses, remained but four days. The Scots' commissioners came at the same time, under the pretence of protesting against the English offer; but in reality to press an alliance that should put an end to the ascendancy of their more prosperous rivals: and it was almost certain, that the moment

[y] Ibid. p. 101. [z] See above, p. 397.

Charles rejected the overture of the parliament, their opportunity would be at an end. This period therefore was improved to conclude the treaty, and Charles on the twenty-sixth of December, the second of this short interval of four days, set his hand to the document[a].

Qualifications with which it is signed.

Clarendon says, "To confirm the king in the belief that it was not expected the treaty would be punctually performed, but that every body would finally submit to what Charles should think fit to be done, the commissioners were contented it should be inserted, that by the clause of confirming presbyterian government by act of parliament, the king was neither obliged to desire the settling that government, nor to present any bills to that effect, and that he likewise understood that no person should suffer in his estate, or undergo corporal punishment, for not submitting to the presbyterian form[b]."

Charles not the martyr of the church of England.

Here then is an end of the martyrdom of king Charles!—It is true, he was placed in a perilous predicament; and many are the excuses that may be offered for any weakness into which he might have fallen at such a period. He believed that the victorious party had many debates how by one means or other they should destroy his person; though we well know he did not believe they would bring him to a public trial[c]. He

[a] Clarendon, p. 107. [b] Ibid. p. 108. [c] Ibid. p. 249.

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was in a remote corner; with no one whom he could usefully consult; surrounded by his enemies; with only four days to decide in; and it being necessary that the transaction should be carried on with the utmost secrecy.

His scruples removed.

Here undoubtedly there is much to palliate what he did. But his panegyrists have held him up as an illustrious martyr, a hero resolved to encounter every extremity rather than give up episcopacy, and yield to the establishment of presbyterian government in England. On the twenty-sixth of December 1647, he set his hand to the falshood of all this. Clarendon says, he was persuaded that there would be nobody to exact all these particulars, and therefore he signed. But this on several preceding occasions had been the language of politicians and of his queen: Set your hand to this; and, when the time comes, you may resume what now you grant. Persons of different sentiments will describe this conduct in various manners; but every one I suppose will grant, that it is not the conduct of a martyr. A martyr is he whom no threats and no sufferings will induce to lend his lips or his pen to a sentiment that his heart abhors. Charles may have died for the church of England: of that every one will judge as he pleases: but he did not die, because he would not set his hand to the giving it up.

Martyrdom defined.

There are other views of Charles's conduct in

this treaty that may be taken on this occasion. If he was not prepared to make all sacrifices for his religion, there was something else for which he was so prepared. For that something he had fought against his parliament, against one half of the people of England, and more than one half of its virtue and conscience, for four years, as long as he could hold a sword in his hand. For that something (it was not religion; we have his own confession of that in this very treaty) he was willing, by clandestine means and secret negociation, to kindle up a new war, and bring down the Scots to suppress the parliament, which a little while ago they had been brought down to aid. And, if he had succeeded, what sort of a reign would have followed on that success? He would have been a king, and, as he hoped, an absolute one. "There would be nobody to exact particulars; but every body would submit to what Charles should think fit to be done."

His real object in the war.

His complicated duplicity.

There is something perplexing in these double and triple negociations which the king carried on, with the army, the parliament, and the Scots, which brought him finally to that pass that no one knew what to trust to. The army was scandalised at the "tart and bitter discourses[d]" with which he met their proposals. When the parliament offered their propositions, Charles told them

[d] See above, p. 379.

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that he liked the proposals of the army better. And now the Scots' commissioners, the ambassadors of an independent nation, came into the isle of Wight, by the sufferance of the English, nominally to record a protest, but really to arrange the preliminaries of a new war, by which the parliament and the army were to be overwhelmed. In the mean while Charles in appearance desired to protract his negociation with the English, at the very time that he had signed a treaty against them. And this treaty, when the Scots' commissioners left the island, was wrapped up in lead, and buried in a garden, from whence they easily found means afterwards to receive it[e].

Plans for his escape.

It was well known to the king and his confidential attendants, that the present temper of the army, both officers and men, was in decided hostility to him: Berkeley therefore in particular was very importunate with him to make his escape from the island, while yet it was practicable. There was a frigate prepared, and every precaution was carefully employed to secure the success of the attempt[f]. Charles however still procrastinated. He said, it was necessary he should conclude with the Scots before he withdrew, as they were exceedingly desirous of having him out of the hands of the army, and therefore, as long as that point was unaccomplished, would

Reasons for his delay.

[e] Clarendon, p. 102. [f] Berkeley, p. 91.

hear reason; whereas, if he went before, they would never treat with him but upon their own terms[g].

He delivers his answer to the parliamentary commissioners sealed.

This point accomplished, Charles next resolved that he would not withdraw, till he had given his answer to the parliamentary commissioners. Anticipating the possibility that, if it was known that his answer was a peremptory refusal, additional precautions might be immediately taken for securing his person, he conceived the plan that he would deliver his answer sealed, by which means the commissioners would be unacquainted with its contents[h]. This mode however of receiving their dispatch was so strenuously resisted by them, that the king at length yielded, opened the packet, and caused the answer to be read to them. Having received it in the usual manner, they withdrew, and joined Hammond, the governor. They had probably received some intimation of the preparations for escape; and, regarding this paper as putting an end to all further negociation, they immediately took the most decisive measures. The gates of the castle were closed, and the guards doubled; and the next morning Hammond issued orders for instantly removing from the person of the king, and from the island, all those who attended upon him, except such as had been appointed by parliament for that

Is induced to break the seal.

Is put under additional restraint.

[g] Ibid. p. 79, 80.

[h] Ibid. p. 87.

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purpose. Thus Charles's plan of escape was defeated [i].

1647. Difficulties of Cromwel's situation.

It was not to be expected that we should possess minute information of the steps by which Cromwel recovered the favour and good opinion of the individuals, who at the time of the mutiny at Ware were so hotly incensed against him. He had to convince them of two things, that his views as to the sequel and conclusion of the great affairs at issue coincided with theirs, and that they had always done so. Rainsborough and Scot were highly irritated against him; otherwise such men would not have proceeded to so great extremities, have joined themselves to persons who had recently desired to imbrue their hands in his blood, and have stirred up the army to a proceeding, the success of which would have involved the subduing their commanders, or the discarding them. On the other hand Cromwel, in his view of the case, was compelled to persevere in seeming to intend to close with the king. When the day of the mutiny was over, he upon the same principle found it necessary to pretend to be overruled by those whose sentiments were the same as those of the mutineers, and that these persons constituted two thirds of the army.

Reconciliation of the officers and the malcontents.

It may be doubted how far Rainsborough and Scot were to the last brought to approve the

[i] Ibid. p. 91.

extreme dissimulation which Cromwel had employed. They dismissed their angry thoughts and their displeasure slowly and with reluctance. But they had loved the leaders who had achieved the victory of Naseby. It was with difficulty they had for a time brought themselves to believe, that Cromwel and Ireton and Vane, men apparently so single-hearted or so disinterested, and who were so admirably qualified to conduct the business to an auspicious conclusion, could be traitors to the cause in which they had been so fervently engaged. They were induced now to lay aside their jealousies. Or at least they said, You now profess loudly to entertain the same views with ourselves, to be convinced, that God has rejected the king, and that he is no longer worthy to reign. Act agreeably to these views, and we are your friends. We will watch you; but, as long as you conduct yourselves unequivocally and honourably, you shall have our heartiest support.

Scot appointed commissioner for the province of Munster.

This reconciliation and new alliance must have taken place early. We find Scot named on a committee on the twenty-third of November, and again on the first of the following month. On the thirteenth he was put on another committee, of which he was made chairman; and on the day following was nominated one of the commissioners appointed by the parliament to take charge of the affairs of the province of Munster [k].

[k] Journals of Commons.

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Trials of the mutineers.

Such being the issue of the affair of the mutiny, it was held unnecessary and unwise to proceed to great severity on the subject. Six or seven soldiers of colonel Lilburne's regiment were condemned on the third of December to run the gauntlet, which sentence was executed on the next day [l]. Major Cobbet, lieutenant Bray, and others were put on their trial; but, on their acknowledgment of their fault, and promise to conform to the discipline of the army for time to come, they were dismissed, and sent to their several regiments [m].

Fasting and prayer.

On the twenty-second a public reconciliation was solemnised between the officers and the malcontents. The day was observed as a fast in the army, and the duties of the occasion were performed by divers of the officers, between whom there was a sweet harmony: among others, Cromwel and Ireton prayed very fervently and pathetically; and the exercises were continued from nine in the morning till seven at night [n].

Rainsborough restored to the command of the fleet.

On the same day a letter was addressed by Fairfax to the house of commons, stating the deep sense entertained by Rainsborough of the late distempers and miscarriages in which he had been engaged, and his resolution to avoid such errors in future, and requesting that he might

[l] Rushworth, p. 922.

[m] Ibid. p. 922, 937, 940, 943.

[n] Ibid. p. 943.

therefore be dispatched immediately to the command of the fleet to which he had been appointed. The commons immediately came to a vote, agreeably to Fairfax's desire [o]. But the business stuck with the lords. The general wrote to that house to the same purpose, but in vain [p]: and on the first of January Rainsborough proceeded to his station, on the authority of the commons only [q].

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[o] Journals, Dec. 24.

[p] Journals, Dec. 27, 28.

[q] Journals.

CHAPTER XVI.

VOTE OF NON-ADDRESSES.—EXECUTIVE GOVERNMENT APPOINTED.—DECLARATION OF REASONS FOR THE PROCEEDING.—CHARACTER OF THE REPUBLICANS.—DIFFICULTIES WITH WHICH THEY HAVE TO CONTEND.—REDUCTION OF THE ARMY.—REBELLION OF POYER, LANGHORN AND POWEL IN SOUTH WALES.—PREPARATIONS FOR WAR IN SCOTLAND.

BOOK II.

1648. Vote of non-addresses.

No sooner had the king's answer been brought back by the commissioners who were sent into the isle of Wight, than Cromwel and his associates frankly commenced their operations for changing the form of government of their country from a monarchy into a republic. On the third of January it was moved in the house of commons, that they should declare that they would offer no further addresses or applications to the king, that no addresses or applications should be made by any one without leave of the two houses, and that whoever contravened this order should be liable to the penalties of treason[a]. Cromwel and Ireton

[a] Journals.

were two of the principal supporters of these motions[b]. Cromwel declared, that the king was a man of great parts, but so false that no one could trust him, and in particular that, while he pretended to be treating with the parliament, he had been engaged in secret treaties with the Scots' commissioners to embroil the nation in a new war, and to destroy the parliament. He concluded, that it was necessary now to enter into new counsels for the settlement of the nation, without having further recourse to the king[c]. The vote of non-addresses was carried by a majority of 140 to 92. The whole, after several days' debates, was confirmed by the house of lords on the fifteenth, the earls of Manchester and Warwick only having entered their protest against it[d].

Executive government appointed.

On the same day that the house of commons passed the vote of non-addresses, they adopted a resolution calculated to fix, and regulate the form of the executive government. This was, that the powers formerly granted to the committee of both kingdoms, relating to the kingdoms of England and Ireland, should henceforth be fully vested in the members of both houses that were of that committee; substituting at the same time the earl of Kent in the room of Essex deceased, and Nathaniel

[b] Clement Walker, p. 70. I give no credit to this author's account of their speeches, but simply admit on his authority that they spoke to the question.

[c] Clarendon, Vol. III, p. 91, 92. [d] Journals.

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Fiennes and sir John Evelyn of Wilts in the room of sir Philip Stapleton and Glyn, two of the eleven impeached commoners[e]. The other members were the earls of Northumberland, Manchester and Warwick, and the lords Say, Wharton and Roberts, with sir Henry Vane, senior and junior, sir Arthur Haselrig, sir Gilbert Gerard, sir William Armine, Cromwel, St. John, Samuel Browne, Pierrepoint, Wallop and Crewe: in all, seven lords, and thirteen members of the house of commons. This resolution of the house of commons received the concurrence of the lords on the fifteenth of January[f]. The committee at its first meeting appointed Walter Frost for its principal secretary, and George Rodolph Weckerlin secretary for foreign affairs, each of whom had previously held the same appointments under the committee of both kingdoms[g].

Forces quartered at Whitehall and the Tower.

It is obvious from the interval between the votes of non-addresses by the commons, and its receiving the concurrence of the lords, that there was some reluctance in the latter body to its adoption. For the purpose of stimulating their resolution, the council of war was induced to publish a declara-

[e] Journals.

[f] Journals. The proper number was twenty-one. To make it complete therefore, Richard Knightley was appointed in the room of sir William Waller expelled, on the twenty-seventh of January. See Journals.

[g] Journal Book of the Committee of Both Kingdoms, in the State-Paper Office.

tion, dated on the ninth, expressive of their determination to adhere to the parliament in this, and what might further be necessary for settling and securing the kingdom, either without the king, or against him[h]. And, as this might not be sufficient, it was voted by the commons on the fourteenth, that a body of horse and foot, not less than two thousand, should forthwith be quartered at Whitehall and the Mews[i]. About the same time a body of forces was also stationed at the Tower. The army, we are told, on this occasion marched through London[k].

Declaration of reasons for the vote of non-addresses.

Meanwhile, on the same day that the vote of non-addresses was carried in the commons, a declaration was ordered to be prepared to shew the reasons upon which this vote was founded[l]. The declaration was drawn up by Nathaniel Fiennes; and on the eleventh of February it was finally adopted, and ordered to be printed, not having been sent up to the lords for their concurrence[l]. The purpose of this representation was to enumerate all the stains and disgraces of the present reign, beginning from the public protection which Charles had given to Buckingham against the accusation of having shortened the days of his father, and enumerating the assistance he had lent to France to subdue the Protestants there,

[h] Rushworth, Vol. VII, p. 962. [i] Journals.

[k] Journals of Commons, Jan. 27. Rushworth, p. 1011. Clement Walker, p. 79. [l] Journals.

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the star-chamber, ship-money, the plot for bringing up the northern army to disperse the parliament, the Irish rebellion, the affair of the five members, the attack at Brentford while the question of a treaty was on the tapis, and many other particulars. The commons alleged, that they had seven several times applied to the king with proposals of peace, without effect, and that in the last instance they had simply required his assent to four bills, which they deemed necessary to the public safety, as preliminary to a personal treaty. For all these reasons they had come to a determination to make no more addresses to the king, but to endeavour to the utmost of their ability to settle the present government, in the manner which might best conduce to the peace and happiness of the kingdom [m].

Respective advantages of a limited monarchy and a republic.

Such were the steps taken by Cromwel and his fellows, as introductory to the changing the government of England from a monarchy to a commonwealth. The prejudices of the majority of their countrymen of the present day are in favour of the former. We are told of the well-adjusted balance of authorities in our government, which so happily preserves to us our immunities as citizens. How far the English constitution, with its government by corruption, the gross inadequateness of the representation in the house of com-

[m] Rushworth, p. 998, 999, 1000.

mons, and the ruling power being in so high a degree in the aristocracy, not to mention the evils which attend upon the institution of an hereditary chief magistrate, is better than a commonwealth, it is no part of the purpose of the present work to discuss. The people of this country now enjoy a considerable portion of personal liberty; but the same institutions that secure this to us, render our national character phlegmatic, selfish, and glaringly deficient in public spirit and public virtue. There have been men who entertained the sentiment, *Tumultuosa libertas tranquillitati probrosæ anteponenda est*, and who would have preferred that political system, which favoured the generation of generous sentiments and an elevated tone of thought, to the fullest and most undisturbed security of person and property that human society ever knew.

Reasonings of the republicans of the present period.

Changes in the political government and constitution of a country will, by men of an humane and conscientious temper, be proposed with caution, and endeavoured to be executed with wariness and moderation. But, where important alterations are absolutely required, those persons are scarcely to be censured, who, in the improvements they meditate, should carry forward their thoughts to the best, to that system which will operate in a way the most auspicious to moral courage and social virtue. England can hitherto scarcely be said to have exhibited any political

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state that should excite the partiality and attachment of an enlarged and reflecting mind. Under the feudal system the lords only had a species of equality and power, while the cultivators of the soil were slaves. When that system declined, the wars of York and Lancaster succeeded; and it was difficult to say what party would finally prove the stronger, in the close of that universal embroilment and confusion. In point of fact the ascendancy of the Tudors followed; and, though there then existed among us many of the elements and materials of freedom, the administration was for the most part despotic. It needs no great stretch of fairness and penetration to enable us to say, whether the government of the first two Stuarts was such, as a true friend of man would have wished to see revived and perpetuated.

Demerits of Charles.

Charles, so the firmest and most masculine spirits of the age pronounced, had forfeited his title to the crown of a free people. He was a lover of arbitrary power (we will not lay much stress upon that); he had shewn himself in a variety of instances a man whose engagements and protestations were no way to be relied on. He had waged war upon the representative body delegated by the nation; nothing could extinguish the hostility of his spirit; he had applied himself to arm his partisans in every part of the empire, the Catholics of Ireland, and hireling forces from every quarter of the world, to work his will upon the nation. It is

not a light thing for a sober and magnanimous people willingly to place at their head, and endow with royal prerogatives, a man who for successive years had shed their blood in the field, and sought to subdue their resistance and their courage. Another consideration most material in the case, was the passion of a great majority of the nation for religious reform, and the aversion with which they regarded the old hierarchy. Surely, if change, if a new system can ever be commendable, a more favourable opportunity could not have offered itself. The commonwealthsmen were earnest to try, of what stuff their countrymen were made, and whether, as Montesquieu says[n], they had virtue enough to fit them for, and to sustain, a popular government. The master-spirits of this time were not contented with the idea of a negative liberty, that should allow every man to obey the impulses of his own thought, and to use his powers of body and mind as he pleased; they aspired to a system and model of government, that was calculated to raise men to such excellence as human nature may afford, and that should render them magnanimous, frank, benevolent and fearless, that should make them feel, not merely each man for himself and his own narrow circle, but as brethren, as members of a community, where all should sympathise in the good or ill fortune, the sorrows or joys, of the whole.

The hierarchy considered.

Favourableness of the opportunity.

Partiality with which republicanism was regarded.

[n] Esprit des Loix, Liv. III, Chap. iii.

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Leaders of the republican party.

The most distinguished republicans at this time were Cromwel, Ireton, Vane, Marten, Blake, Dean, Ludlow, Haselrig, Harrison, Rainsborough, Scot, Ewer, Bradshaw, Milton, and Algernon Sidney [o].

Difficulties with which they had to contend.

These men were not wholly unaware of the arduous enterprise in which they were about to launch. The English are a sober, dogged, and cautious people. This island has produced many of the most ardent, aspiring and original geniuses in the records of human nature; but the general character of the nation has little to do with this. So far as courage goes, we are scarcely surpassed by any race of men in the world. But we are naturally inclined to adhere to "the old paths." Our courage is allied to perseverance and inflexibility; but it scarcely favours in any considerable degree novelty and enterprise.—It is true, a more favourable season for change could scarcely occur. The king was regarded with aversion by a large portion of his subjects, and with partiality by none but the most avowed royalists. The religious system for which he was disposed to go so great lengths was unpopular; and the opinions on that head to which he was averse, were espoused by a great majority of his subjects.

Character of the English nation.

Not lovers of enterprise.

[o] I was prompted to place with these Oliver St. John. But he assures us, in his Case, printed immediately after the Restoration, p. 2, that he was always for a government by king, lords and commons. I know not what to say to this: but I have no right to insert a man's name in this imperishable list, in opposition to his own assertion.

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But the sobriety of the English nation was extensively shocked at the projects of the republicans. They were not sufficiently enlightened to comprehend the abstract merits of one system and another, that proposed to itself the same end, the securing the general liberty. Having conquered the king, and put down his followers, they were disposed to consider how, with the least trouble and uncertainty, they could secure what they had gained. The prejudice in favour of a king, is something like the prejudice in favour of an established religion. It has its rites and ceremonies; something that appeals to the eye; and men anticipate with a certain degree of terror what will follow, when that has been taken away. Nor must it be forgotten that Charles's manners were formal, dispassionate, and in the negative sense (though by no means affirmatively) specious. Though he was secretly drunk with the love of arbitrary power, there was nothing outrageous or intemperate in his demeanour. He was patient in suffering. He shone in adversity, was apparently serene, and seldom complained. And the gross of mankind, who count a very little merit for a great deal in a king, were won with this. Add to which, the generality are accustomed to regard with suspicion what they do not fully comprehend. In proportion to the limited degree of public spirit that existed in the country, they listened to the language of public spirit in

Not imbued with the principles of political science.

Prejudices in favour of royalty.

Specious parts of Charles's character.

Jealousies harboured against the republicans.

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those above them with a certain degree of incredulity. Generals of armies, and the guides of public counsels, must have patronage, and their authority can scarcely fail to be attended with emolument. At this time therefore, as usually happens almost at all times, there was a loud and reproachful cry that these men were hypocrites, and that their real object was the loaves and fishes. In a word, the republican leaders were far from having to boast of a general popularity.

Animosity of other parties against them.

To understand the disadvantage under which they laboured, we must unite these general views of the English character in that age, with the determined and fierce hostility they had to encounter in the presbyterians and the royalists.

Combined view of their embarrassed situation.

No government perhaps ever required more transcendant abilities in those by whom it was to be administered, to enable it to bring its projects to a favourable issue, than that of the men who held the reins of power in England in the beginning of the year 1648. They had to encounter the determined and fierce hostility of two great parties, defeated indeed, but still subsisting in formidable strength, the presbyterians and the royalists, in addition to the prejudices and habits of thinking of a vast majority of the people of England in favour of a monarchical executive. They had offended, beyond the power of atonement, the ruling nobility and gentry, and the whole ecclesiastical establishment, of Scotland.

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The Scottish commissioners had expressed their sense of this in the most emphatical terms in their last address to the two houses. The horror entertained by the Scottish nation against the indulgence of sectaries, a favourite doctrine of the present rulers, was notorious. Their commissioners, at the same time with the commissioners of the parliament, had visited the king in the isle of Wight. The English had been sent away with a refusal. What conclusion had been come to with the Scots was at present unknown: but the general impression was, that there was great reason to apprehend a speedy invasion from that country with a formidable army. The seeds of disaffection and revolt in England were alarmingly spread in a variety of directions: and the only question seemed to be, whether the English malcontents, or their allies from the north, would first call for the vigorous exertions of the government to put them down.

Position of the metropolis.

The city of London was the great magazine of strength to the presbyterian party: but the danger from this quarter had been met with suitable precautions by the present rulers. The power of the London militia had been taken out of the hands of the party in the preceding summer; and in the January of the present year Whitehall, the Mews, and the Tower had been seized as points of resistance by the army; at the same time that the whole of Fairfax's forces had been marched

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1648. Reduction of the army voted.

through the capital, for the purpose of impressing a suitable expectation and awe in their opponents.

By these means, and by the vigilance which had been exerted in every direction, though the fire on all sides had appeared on the point to break out, a great degree of tranquillity was preserved through the entire months of January, February and March. The first disturbance that manifested itself, was caused by the spirited and vigilant exertions of the government itself. It has been seen that much evil and dissatisfaction had arisen from the arrears of pay in the army which had been suffered to accrue; and the general had stated that the standing forces of England, in addition to the regular forces that had been voted, amounted to little less than twenty thousand men [p]. The government determined to remedy this. They raised money; they reduced the standing army from twenty-five to twenty thousand men [q]; and they ordered all supernumeraries to be disbanded with two months' pay in money, and the rest on security. This was submitted to in most instances peaceably and promptly, but not in all.

[p] See above, p. 473.

[q] The old army consisted of twelve regiments of horse, of six troops each, and one hundred men to a troop, and fifteen regiments of foot, of ten companies each, and one hundred and twenty men to a company. The new army consisted of fourteen regiments of horse, divided into six troops, and eighty men to a troop, and of seventeen regiments of foot, of ten companies each, and eighty men to a company. Journals of Commons, Feb. 9.

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1648. Rebellion of Poyer, Langhorn and Powel.

The first disturbance began in the latter end of February with colonel Poyer, governor of Pembroke Castle in the south-western extremity of Wales, who refused to surrender this fortress into the hands of the officer whom Fairfax had appointed to succeed him[r]. The forces that were under his command were by no means considerable; but, before he had shewn himself in open resistance, he had secretly concerted measures with major-general Langhorn and colonel Powel, officers who held a command in that part of the country. Langhorn is even said to have previously dispatched a messenger to the prince of Wales at Paris, informing him of what he intended, and what sort of supplies would be necessary for his success[s]. They had all three been formerly zealous in the service of the parliament. Their projects were however somewhat prematurely forced into action, by the order which had been given for removing Poyer from his command. For some time this officer was considered as standing alone; and very inadequate preparations were made for reducing him to obedience. But, in proportion as he continued his hostile demonstrations, and as his situation became more critical, bands of soldiers from Langhorn's and Powel's corps, and from another under colonel

[r] Journals, Mar. 3. Rushworth, p. 1034.

[s] Clarendon, Vol. III, p. 143.

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Butler, joined him by little and little, as if without the privity of their officers [t]. They were afterwards reinforced by major-general Stradling, a royalist; and their united forces amounted to eight thousand men [u]. An attempt was made by them to seize on Shrewsbury [w]: sir Nicholas Kemish took possession of Chepstow Castle on their behalf [x]; and sir John Owen, at the head of his followers, attacked and took prisoner the high sheriff of Caernarvon [y].

State of Scotland.

Meanwhile the most formidable apprehensions of hostility were from the quarter of Scotland. It was beyond question that the commissioners from that country, who had visited Charles in the isle of Wight, and had now returned home, would leave no effort untried to rouse their countrymen to arms for the restoration of the king. They were willing to believe that they carried home with them a treaty, the concessions of which on the part of the sovereign were large enough to satisfy the most bigoted adherents of the presbyterian establishment. But in this they were greatly disappointed. Scotland at this time was divided into two parties, that whose ruling sentiment was loyalty, and their first object the restoration of the king, and another who thought only

Parties into which Scotland was divided.

[t] Rushworth, p. 1038, 1040, 1050, 1051, 1065.
[u] Ibid. p. 1110.
[w] Ibid. p. 1051.
[x] Ibid. p. 1109.
[y] Echard, *ad annum*.

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of securing the presbyterian establishment, and extending its sway over both kingdoms. The latter was much the most numerous; but the adherents of the former were the more considerable men in the state; in particular, the duke of Hamilton, who was now supported in all his measures by his brother, the earl of Lanerick, and the earl of Lauderdale. Hamilton was a sincere presbyterian; but he was by nature a courtier. He loved his king, perhaps as much as he loved his church. He dealt in subtle measures and exquisite refinements[z]: and the consequence of this was, that, where another man, who was perhaps guided by secret ends and treacherous purposes, would contrive to gain a general confidence, Hamilton, whose meaning was always honourable, was yet constantly crossed and circumvented by a sentiment of distrust. Lanerick and Lauderdale were less scrupulous than he, and perhaps, if it could be done with safety, would have gone all lengths that the king should have desired. The heads of the church and the rigid presbyterians looked with jealousy upon the motions of all three of them, but most of Hamilton. They alleged that the king's concessions solemnly granted in the isle of Wight were unsatisfactory; and that, not so much because they did not contain every thing he could give, as that the presbyterians

1648. Party of Hamilton.

Jealousy with which it is regarded by the rigid presbyterians.

[z] See above, Vol. I, p. 286, 287.

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were deeply impressed with a persuasion of Charles's insincerity. He had only agreed to confirm the covenant by act of parliament in both kingdoms; they insisted upon it that he should bind himself to propose and present the act. On the other hand the king was resolute not to add a syllable to his concessions, as it was with the utmost reluctance they had been yielded by him; and he still soothed himself with the thought that they had been subscribed as articles of peace, and not as conditions to be strictly and sacredly adhered to. The same spirit of reserve prevailed among the presbyterian leaders. It was a serious thing to engage themselves in war against the present English government, however they might feel convinced that the immediate effect of that war would be to put down the party of Cromwel, and set up that of Hollis. And what they most of all feared, was that they should be made tools in the hands of the pure royalists, and that, as Charles had expressed himself to Capel, the ascendancy should be gained by the king's friends, "without which he could not expect great benefit from the success of the others[a]."

Exceptions stated against the treaty by the commission of the Scottish church.

All this tended in an evident degree to fetter the proceedings of the Scots, in the prospect of which the king had made such painful sacrifices. The articles of the treaty in the isle of Wight

[a] See above, p. 397.

were not fully promulgated till the fifteenth of February [b]; and the commission of the church immediately proceeded to prepare a declaration of the grounds of their dissatisfaction with the treaty [c]. The presbyterians had the ascendancy in the assemblies of the church; but it was foreseen that, in the parliament which was speedily to meet, the party of Hamilton would have the majority. A compromise was therefore entered into between the commission of the church and the committee of estates, that the former should be allowed to publish their exceptions to the treaty, and that the latter should go on with their preparations for war, on the understood condition that the army was to be intrusted only to persons on whom the presbyterians could rely [d].

Scottish parliament meets.

The parliament met on the second of March, and one of their first measures was to appoint what they called a committee of danger, consisting first of eighteen, and then of twenty-four members [e]. Hamilton had the ascendancy in this committee; and they speedily came to a resolution to raise an army of forty thousand men for the invasion of England, and to seize Berwick and Carlisle as the main keys for entering that kingdom [f]. In words Hamilton professed that

Committee of Danger.

Resolve to raise an army of forty thousand men

[b] Guthry, p. 257. [c] Ibid. p. 259. [d] Baillie, Vol. II, p. 281.

[e] Ibid. p. 285, 287. Rushworth, Vol. VII, p. 1040, 1049. Guthry, p. 262, 265.

[f] Rushworth, *ubi supra*. Baillie, p. 285, 286.

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Suspicious conduct of Hamilton.

none should be trusted with military power but known and fast presbyterians: but his actions little corresponded with his words. He brought to Edinburgh captain Wogan with his troop from Worcestershire, who was among the malcontent officers that refused to disband at the bidding of Fairfax [g]; and he openly negociated with Langdale, Musgrave and Glenham, commanders who had distinguished themselves in the war of Charles against the parliament, and who now acted under his direction [h]. They undertook to secure Berwick and Carlisle. In the mean time the committee of danger negociated with the commission of the church; and, after considerable difficulties, agreed nominally to their terms, that the king should be required by oath, previously to his restoration to the royal power, to engage to confirm the covenant and presbyterian government, and that all episcopalians and pure royalists, or, as they denominated them, malignants, who should take up arms, should be proceeded against as enemies [i].

[g] Rushworth, p. 1023, 1032. [h] Guthry, p. 261.

[i] Baillie, p. 287, 288. Lord viscount Fairfax of the kingdom of Scotland died, March 13 in this year, and his son, the general of the English army, succeeded to his title and estates.

CHAPTER XVII.

CRITICAL SITUATION OF THE GOVERNMENT.—CROMWEL ENDEAVOURS TO UNITE PRESBYTERIANS AND INDEPENDENTS.—CONSULTS THE LEADERS OF HIS OWN PARTY.—SEEKS TO CONCILIATE THE CORPORATION OF LONDON.—INSURRECTION IN THE CITY.—GROWTH OF THE PRESBYTERIANS.—VOTE THAT THE GOVERNMENT SHOULD BE BY KING, LORDS AND COMMONS.—CROMWEL MARCHES AGAINST THE INSURGENTS IN WALES.—ORDINANCE AGAINST HERESY AND BLASPHEMY PASSED INTO A LAW.—VOTE OF NO QUARTER.—BERWICK AND CARLISLE SEIZED BY THE ROYALISTS.—DEMANDS OF THE SCOTS.—INSURRECTIONS AT NORWICH, BURY, AND OTHER PLACES.

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1648. Critical situation of the government.

FROM what has been stated it plainly appears by how precarious a tenure those who had now the direction of affairs in England held their authority. They had to contend with the unavoidable prejudices of their countrymen in favour of monarchical government, the institution of their ancestors. They had against them a powerful party

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in both houses of parliament, which was only prevented by means of coercion from becoming a majority. The civil war had just subsided; and the royalists, though beaten down, were far from exterminated. They were moreover driven to the last desperation, by the idea now openly avowed, of extinguishing the monarchy, and proceeding criminally against the king. The consequence of all this was, not only a formidable insurrection spreading over the whole of Wales, but a spirit of discontent which seemed more or less to convulse almost every county of the kingdom. An invasion from Scotland was now also not only certain, but imminent. The presbyterians in both houses of parliament only waited for a favourable opportunity to recal their exiled members, and reassume the direction of affairs. Above all, the metropolis was the grand focus of presbyterianism: and it was with difficulty, that, with the utmost degree of vigilance, and with garrisons to hold them in awe in Whitehall, the Mews, and the Tower, they were prevented from breaking out into open resistance. It required an extraordinary degree of courage to look all these difficulties in the face. We who review these things in cool blood and from a place of safety, are at a loss to imagine the degree of ambition, or of patriotism, that should give men the inclination and the courage to contend with such multiplied obstacles and disadvantages.

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Under these circumstances Cromwel tried many expedients, to strengthen his hands, and to enable him to weather the storm with which he was fated to contend. He procured a meeting of several leading men among the presbyterians and independents, both of the members of parliament and the clergy, to try how far, at least for the present occasion, they might be brought by mutual concessions to unite, for the purpose of quelling the storm that now threatened both parties, and subduing the reaction of the royalists: but he found their prejudices and their views too incompatible, to allow of their being suspended for a moment[a]. He next called together those of his own party, for the purpose of consulting how far it might be judged expedient to qualify the rigour of their maxims for the present occasion, and, by seeming to abandon them for a short time, the more surely to obtain all their ends in the conclusion. But he found scarcely any that would enter into his views. They quoted upon him (to the great edification of the historian by whom the fact is recorded) the eighth chapter of the First Book of Samuel (where it appears that they who asked for a king were regarded as rejecting God), and refused to compromise the principles of their religion for a moment[b].

Cromwel endeavours to unite the presbyterians and independents.

Consults the leaders of his own party.

[a] Ludlow, p. 238.

[b] Ibid.

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1648. Seeks to conciliate the corporation of London.

The next attempt which Cromwel made was to bring about a conciliation between those who with himself at present possessed the administration of the executive government, and the leading men in the city. The army had now for some months deported themselves in a high and severe style towards the corporation of London. The quarrel which led to the withdrawing the speakers of the two houses of parliament, and the expulsion of the eleven members, had been in relation to the power of the militia of the metropolis, which the parliament, under the influence of the independents, had taken out of the hands of the persons elected by the corporation, and vested in the men formerly chosen by the city, but who had since been rejected. In the representation of the army, of the date of the seventh of December, it was proposed that the forces under Fairfax should be drawn in towards London, for the purpose of being quartered upon those citizens who had not paid up the arrears of their assessments for the maintenance of the army. And in the beginning of the present year detachments of the forces had been stationed at Whitehall, the Mews, and the Tower, for the purpose of more effectually holding the mutinous presbyterians in check.

Concessions offered by him to the citizens.

But the times were now grown so perilous, the discontented royalists and presbyterians being ready to put themselves in motion on all sides

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with the smallest encouragement, that Cromwel and his coadjutors judged it prudent to appease the animosity of the corporation by every means in their power. He had already made several attempts, through the means of Glover, a solicitor, and another, to win over such citizens as might be useful to him, and to persuade the common council to reconcile themselves to the army, and to accept an atonement for whatever offence had been given them. At length, on the eighth of April, a formal offer was made to this body, under the hands, we are told, of Fairfax, Cromwel, St. John and Vane, that their militia should be restored to them, the Tower delivered into their hands, and their imprisoned aldermen enlarged, provided they would engage to do nothing that should favour the invasion of the Scots, which was now hourly expected. But this proposal was rejected [c].

Contribution of Cromwel to the carrying on of the war.

It may be proper to mention here, that, a few weeks before, Cromwel made a formal tender to the state of one thousand pounds *per annum*, for five years, if the war in Ireland should continue so long, out of the rents of an estate in land which parliament had some time since bestowed on him; in addition to an arrear of fifteen hundred pounds, which was due to him for the time that he had served as lieutenant-general under the earl of

[c] Clement Walker, p. 83.

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Manchester. This offer was accepted by the parliament[d].

Insurrection in the city.

It is somewhat memorable, that the very day subsequent to that on which Cromwel's overture to the common council was rejected, was the period of an alarming insurrection in the city, which must therefore be considered as in some degree indicative of the repugnance with which they viewed all idea of a coalition with the independents. It originated in a spirit of opposition to an ordinance prohibiting amusements on Sunday, and was represented as the act of the London apprentices. But its proceedings were of a serious character. The insurgents seized two gates of the city on the western side, and, proceeding from thence to the house of the lord mayor, took out of it a piece of artillery; they also broke open several houses and magazines of arms and ammunition, for the purpose of furnishing themselves with the means of defence; they beat up for recruits, and invited others to join them, in the name of God and king Charles; they killed several persons who endeavoured to resist them; and by the next morning their appearance in point of numbers became more formidable. But Fairfax, with the two regiments quartered at the Mews and Whitehall, dispersed the insurgents, and restored tranquillity. The two houses of parliament

[d] Journals of Commons, Mar. 24.

took proper measures to prevent such disturbances in future, and ordered the posts and chains about the capital to be taken away, by means of which the citizens could best resist any sudden incursion of the military [e]. In addition to this they ordered four hundred foot soldiers to be added, to the six hundred foot, and the troop of horse, already stationed for the defence of the Tower [f].

Growth of the presbyterians.

Meanwhile the strength of the presbyterians in the house of commons was rapidly on the increase. The firmness and talent of the independent leaders for a time held them in awe. But a multitude of circumstances now concurred, tending to restore their ascendancy. The project which had been avowed for changing the monarchy into a republic, necessarily carried over all the prejudiced and the timid to their side. Symptoms of disaffection every where discovered themselves; and a new war began to appear inevitable. The threatening posture of the Scottish nation also gave much additional strength to that side of the question. The influence of the independent leaders upon the community at large had at all times been precarious; and it was not to be supposed that, for the sake of that influence, and of the daring and untried projects in which they had engaged themselves, the nation would be contented once

[e] Journals, April 13. Whitlocke, April 9, 10, 11, 13. Rushworth, p. 1051, *et seqq.*

[f] Journals of Commons, Apr. 15, 18. of Lords, Apr. 20, 24.

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more to commit their interests and their tranquillity to the hazards of the field.

1648. Petition of the common council.

On the twenty-fourth of April there was a call of the house, when three hundred and six members answered to their names [g]; and, three days after, a petition was presented from the common council, praying for the restoration of their chains and posts, and that general Skippon, who already had the command of the city-militia, might also command that of Westminster and the suburbs. This petition professed to found itself on the information of one John Everard, who swore that he, having some occasion of business at Windsor, did, as he lay in his bed there, hear quarter-master-general Grosvenor and colonel Ewer of Fairfax's army, with one or two others, discourse of a plot formed among them, for disarming the city in general, and afterwards placing arms in the hands of such of the citizens only in whom they could confide. The prayer of the petition was immediately granted [h].

It is granted.

Vote that the government should be by king, lords and commons. Apr. 28.

The next day a more important measure was voted in the house of commons, it being carried by a considerable majority, that the future government of the kingdom should be by king, lords and commons, and that the treaty should be re-opened with the king for the settlement of peace [i].

[g] Whitlocke. Rushworth, p. 1067.

[h] Journals of Lords and Commons.

[i] Journals.

1648.

A compromise was probably entered into on this occasion, that the house of commons should have the direction of all the civil affairs of the kingdom, and the general and his council of war superintend whatever was military. Accordingly a letter was addressed by Fairfax to the speaker on the first of May, announcing his intention to withdraw the regiments stationed at Whitehall and the Mews, and to draw off all forces from quartering near London; and at the same time informing the house, that he had ordered Cromwel to march, with a suitable body of forces, to quell the insurrection in Wales[k]. Nothing could be more simple than this arrangement. The insurgents in Wales, who had taken up arms for the king without any authority from parliament, must of necessity be suppressed; and no officer more eligible than Cromwel could be thought of to command on the occasion. The idea however was masterly; and the measure was attended with the most momentous consequences.

Regiments withdrawn from Whitehall and the Mews.

May 1.

Cromwel sent against the insurgents in Wales.

On the ninth of May a petition was presented to both houses from the common council, praying that they might be permitted to name the officers of their militia, as well as a proper person to hold the situation of lieutenant of the Tower; and, permission being granted, they gave in their nomination accordingly, and an ordinance, by which

Further petition of the common council.

[k] Journals, May 2. Whitlocke. Rushworth, p. 1099.

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it was finally settled, passed both houses on the eighteenth [l].

1648. Ordinance against heresy and blasphemy passed into a law.

One of the first circumstances which marked the restoration of the presbyterian power, was the revival of the ordinance against heresy and blasphemy, the punishment being in some cases death, in others abjuration, which passed into a law on the second of May [m].

Cromwel sets out on his expedition.

At this time Cromwel set out on his expedition for Wales, with two regiments of horse, and three of foot [n]. He left the metropolis intrusted with an important command: but, if he were not successful in his expedition, he would probably never have seen London more, unless as a state-prisoner.

Vote of no quarter.

On the eleventh of May it was voted, that no quarter should be given to such as engaged in the present war against the parliament [o]. The ground on which this severity was founded was, that, in the war which had terminated two years before, the regular authorities had been divided, the king leading on one side, and the parliament on the other, so that in equitable construction it was difficult to decide whether the adherents of one party or the other had been in arms against the state. But that war had been terminated by a complete victory; the king was a prisoner, and his authority for the present at an end; whoever

[l] Journals.
[m] Journals of Lords.
[n] Rushworth, p. 1098.
[o] Journals of Commons.

therefore took up arms in opposition to the decrees and orders of the parliament, was in arms against all the authority that existed; he was plainly a rebel, and his resistance, it was said, was such as would in no country be tolerated, and certainly subjected him to the pains of treason.

On the second instant intelligence was brought to London, that Berwick had been surprised by sir Marmaduke Langdale [p], and, a few days later, that sir Thomas Glenham and sir Philip Musgrave had had equal success in an enterprise on Carlisle [q]. It had been settled by the parliaments of both kingdoms, that the fortifications of each of these places should be dismantled, and that neither of them should receive a garrison. They therefore fell an easy prey to an unexpected invader. Langdale entered Berwick with about one hundred horse, unobserved among the market-people, and, having previously made an appointment with one or two parties of his friends, gained quiet and unresisted possession of the town [r]. The same happened at Carlisle. Having made this beginning, Langdale soon mustered, and took the command of, seven or eight thousand men, with whom he prepared to march into the south [s]. Hamilton

Berwick and Carlisle seized by the royalists.

[p] Rushworth, p. 1099. Whitlocke, May 2.

[q] Journals of Commons, May 8. Whitlocke, *ejusdem diei.*

[r] Clarendon, Vol. III, p. 148. Rushworth, p. 1099, 1102.

[s] Rushworth, p. 1132.

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and his friends had promised to follow him with a Scottish army within twenty days, and that, if they were sooner in difficulty, they should be sure to be relieved [t].

Their further successes.

In a very short time after having established himself at Berwick, Langdale penetrated as far as Kendal [u], while Lambert, who commanded for the parliament in the north, endeavoured to hold him in check, and advanced as far as Bowes on the Tees, with a diminutive corps of not more than eight or nine hundred [w]. This state of things shook the fidelity of many in the northern counties. Pontefract was surprised by a small party of the enemy [x]; Scarborough was betrayed by its governor [y]; Stamford was lost for one or two days [z]; York [a], and even Nottingham Castle [b], in a manner in the heart of the kingdom, were attempted.

Demands of the Scots. May 3.

One day subsequent to the intelligence of the surprise of Berwick, a letter was presented to the house of lords on the part of the parliament of Scotland, which appears to have been written purely in compliance with the treaties between the two countries, requiring that no hostility should be committed by either kingdom against the other, without a previous statement of the conceived

[t] Clarendon, p. 150. [u] Rushworth, p. 1127.
[w] Ibid. p. 1132, 1148.
[x] Journals of Commons, June 6. Rushworth, p. 1141.
[y] Echard, *ad annum*. [z] Rushworth, p. 1143, 1145.
[a] Ibid. p. 1113. [b] Ibid. p. 1149.

grounds of complaint, and adequate time allowed for explanation or redress. The messenger by whom the letter was brought was therefore directed to wait fifteen days for an answer to his communication. The things required by the Scottish parliament from the parliament of England were, first, that an effectual course should be taken for enjoining the covenant on all the subjects of the English crown, that the presbyterian church government should be settled and fully established, and all heresies and schisms suppressed and extirpated; secondly, that the king should be brought with freedom, honour and safety, to some one of his houses in or near London, the better to receive the applications that the parliaments of both kingdoms should make to him; and thirdly, that all members of both houses of the English parliament should freely return to their charges, that the city of London should be restored to its liberty and privileges, and that the army of sectaries under Fairfax should be disbanded [c].

Their military preparations.

As it was anticipated that these requisitions would not be granted, it was voted in the Scottish parliament, on the very day on which this letter was delivered in London, that an army should be raised of thirty thousand foot, and six thousand horse, and that the younger Monro should be

[c] Journals.

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called home from Ireland with his army, to join in the expedition [d].

1648. Insurrection at Norwich.

While these things were doing in the north, various parts of England were convulsed with the attempts of the royalists. At Norwich a petition was set on foot for the restoration of the king, and the disbanding of the army; and the house of commons, having received notice, sent for the mayor in custody to give an account of his conduct [e]. His partisans resisted the execution of the order, and it was found necessary to march a part of Fleetwood's regiment from Dereham to put down the disturbance, which they effected, but not without bloodshed. In the midst of the tumult, a magazine of gunpowder was accidentally blown up, by which one hundred and twenty persons

at Bury

were computed to have been destroyed [f]. A scene of a similar nature occurred at Bury St. Edmunds, where six or seven hundred persons got together in arms, crying for God and king Charles. The soldiers in the place retired; and the town held out for one night; but the next day, finding the rashness of their undertaking, and that some troops of horse were marched against them, they surrendered at discretion [g]. Drums beat to arms in the

and in other places.

[d] Guthry, p. 268. [e] Journals, Apr. 18.

[f] Whitlocke, Apr. 26. Rushworth, p. 1072.

[g] Rushworth, p. 1119. Whitlocke, May 18. Journals of Lords, May 19.

same cause at Thetford and Stowmarket[h]; and it was referred to the committee of the university of Cambridge to consider of the tumult and insurrection that had broken out in that town[i]. Fairfax speaks, in a letter to the committee of Derby House on the subject, of the disposition of forces that would be necessary, in a time and place (the counties of the eastern association) of so general distemper and disposition to rise[k]. And sir Hardress Waller, who commanded in the counties of Devon and Cornwall, writes to the commander in chief, "These two counties are so extensively either for the king's party, or, if possible, worse enemies, that I admire they are not all in one flame[k]."

[h] Journals of Lords, *ubi supra.*

[i] Journals of Commons, June 12.

[k] Journals of Lords, *ubi supra.*

CHAPTER XVIII.

PETITION OF THE GRAND JURY OF ESSEX FOR THE KING. — PETITION OF SURREY.—TUMULTS.—PETITION OF KENT.—RENDEZVOUS AT BARHAM DOWNS.—REVOLT OF THE FLEET IN THE DOWNS.—CONSPIRACY IN LONDON.—CROMWEL'S CAMPAIGN IN WALES.—KENTISH INSURGENTS AT GREENWICH.—CROSS THE THAMES, AND TAKE POST AT CHELMSFORD.—FALL BACK ON COLCHESTER.—SIEGE OF COLCHESTER.—INSURRECTION OF LORD HOLLAND AND THE DUKE OF BUCKINGHAM.—SURRENDER OF COLCHESTER.—LUCAS AND LISLE PUT TO DEATH.

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1648. Petition of the grand jury of Essex for the king.

But the most formidable danger arose in the counties of Kent and Essex. On the twenty-second of March opportunity was taken of the assizes at Chelmsford, for drawing up a petition of the grand jury to the two houses of parliament, praying that, as the absence of the king from the parliament had been one main cause of increasing jealousies and misunderstandings between them, that obstacle might be speedily removed, and a personal treaty entered upon, and that the army

might without delay be satisfied and disbanded[a]. This petition was in circulation, and the signatures of the freeholders and inhabitants of the county were collected to it for several weeks, till at length a meeting of the petitioners was appointed to be held at Stratford, three miles from London, for the purpose of their proceeding from thence, and in a body presenting the petition to parliament. This intention however was announced in the house of commons one week before its proposed execution, and proper measures were taken to prevent such a tumultuous assemblage[b]. The petition therefore was quietly introduced on the appointed day, and received a civil and evasive answer[c].

Petition of Surrey.

A similar proceeding was adopted by the members of the great inquest and grand jury of the county of Surrey, and a meeting was appointed to take place at Leatherhead on the second of May, for the purpose of presenting their petition, in the same manner as had been planned in the case of the petition of the county of Essex. Notice was brought into the house of lords of this affair, and orders were in consequence issued by both houses to the deputy-lieutenants and justices of peace in Surrey, to take care to prevent tumults and preserve the peace[d]. An order was also given to the executive administration at Derby House to

[a] Journals of Lords, May 4. [b] Journals of Commons, Apr. 27.
[c] Journals. [d] Journals.

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1648. Tumults.

the same purpose [d]. These precautions however were not entirely successful. On the sixteenth of May the Surrey petition was presented to both houses, accompanied by several hundreds of the petitioners, both horse and foot. These persons conducted themselves at the door of the house of commons in a very riotous manner, asked the soldiers in attendance, why they stood there to guard a company of rogues; and, an angry dispute arising, from words they proceeded to blows, some of the soldiers were disarmed, and blood was shed on both sides. The petitioners afterwards withdrew to the fields, and at length were dispersed. The language of the Surrey petition was higher than of that from Essex. They desired that the king might be restored to his due honour and just rights according to the oaths of supremacy and allegiance, and established in his throne agreeably to the splendour of his ancestors [e].

Riot at Canterbury.

The malcontents of the county of Kent proceeded a little differently. A tumult had taken place at Canterbury on the twenty-fifth of the preceding December, on the question of keeping Christmas according to the order of the church of England. The mayor having endeavoured to inforce the ordinance against superstitious observances, a mob was collected against him to the amount of a thousand persons, and many violences

[d] Journals. [e] Journals. Whitlocke. Rushworth, p. 1116.

committed. They held the city and neighbourhood in awe for several days [f]. A special commission was ordered for the trial of the rioters, and a court was accordingly opened for that purpose at Canterbury on the eleventh of May; but the grand jury was so constituted, that they refused to find a true bill against the persons accused. Having dismissed this business, they took occasion of their meeting, to draw up a petition to the two houses, similar to those from Essex and Surrey. Many signatures of such gentlemen as happened to be at Canterbury were immediately procured; and, copies of the petition being dispersed, it was indorsed on every one of them, that all copies and subscriptions were to be brought to Rochester on the twenty-ninth, and that all such persons as proposed to attend and accompany the presenting the petition, should appear at Blackheath at nine in the morning of the thirtieth of the month [g]. What else passed on the day that the petition was

Petition of the grand jury of Kent.

[f] Journals of Commons, Dec. 30. Rushworth, p. 948.

[g] Carter, Exact Relation, p. 11, *et seqq.* It is not unworthy of notice, to remark the style in which history is written by party-men. Clement Walker, speaking of the insurrection in the city, April 8, in which the insurgents took possession of the two western gates of the metropolis, and seized a piece of ordnance, says, p. 81, "Some few apprentices being at play in Finsbury Fields, the mayor sent fifty or sixty of his train bands to drive them away; whereat the boys, with stones, brick-bats and sticks, dispersed them, and in a childish jollity seized their colours, &c.—This is the truth of the business, notwithstanding the long-winded, lying report made to the house of commons." Carter, in like manner, stands up man-

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prepared we are not informed; but in the report that was made to the house of commons, there is mention of "riot and insurrection" that occurred on the occasion [h].

Hostile preparations of the petitioners.

The government was by this time sufficiently aware of the evils that attended this mode of tumultuary petition; and accordingly, the deputy-lieutenants of the county having first issued an order for suppressing the petition, they next sent out warrants for assembling the trained bands, both horse and foot, in rendezvous at certain appointed stations. These warrants appear to have been little attended to. And the petitioners, taking occasion, as is said, from this hostile demonstration, drew up an engagement, in which they bound themselves to support their petition by force of arms; and immediately proceeded to secure the arms, ammunition and magazines for their use, which had been deposited at several places of the county [i]. A similar engagement had previously been entered into by the petitioners of Essex [k].

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fully for the right of the subject in presenting petitions at the doors of the parliament by ten thousand men with arms in their hands, which he calls, p. 33, "a peaceable and legal petitioning, a thing never opposed, nor accounted riotous, till this parliament by their all-powerful arbitration voted it to be so." He therefore proceeds to describe the Kentish insurgents as intending nothing but what was in the utmost degree harmless and inoffensive, till they were goaded into hostilities by the unjustifiable resistance they encountered.

[h] Journals, May 15. [i] Carter, p. 18, *et seqq.*

[k] Journals of Commons, May 17.

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The preparations for resistance or offence were carried on with vigour and rapidity. A meeting was held at Canterbury by a great number of the gentry on the twenty-third, at which commissioners were chosen for conducting their undertaking, and two gentlemen as colonels received orders to beat up for recruits of horse and foot. The attempt was accompanied with the most encouraging success; and a rendezvous was appointed at Barham Downs for the next day. From the rendezvous they marched to Sandwich, which they took; and immediately dispatched a messenger on board the fleet in the Downs, announcing their undertaking and courting the concurrence of the navy[l]. On the twenty-fifth they took possession of the town of Dover, and the next day reduced the castles of Deal and Walmer. They then proceeded to their appointment at Rochester, where they mustered seven thousand foot, exclusive of horse, beside a larger body in advance at Dartford[m].

Rendezvous at Barham Downs.

Sandwich and Dover seized by the insurgents.

But a still more surprising circumstance was their success with the fleet stationed in the Downs. This was partly owing to a change which had recently taken place in the officers of the fleet. The sailors were either royalists or presbyterians.

Revolt of the fleet in the Downs.

Causes of the revolt.

[l] Clarendon says, that the gentlemen of Kent and the seamen reciprocally spurred each other to revolt, and that therefore the enterprise broke out too soon. Vol. III, p. 133, 136.

[m] Carter, p. 32, *et seqq.*

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That men, little indebted to either education or reflection, should be royalists, was a thing to be looked for; and in these times the religious principle was so extensively diffused through the community, that scarcely any body of men was to be found, that did not zealously adhere to one party or the other. The sailors were not preachers; and it was not to be supposed that they understood the rights of toleration: they could not therefore be independents or sectaries. The navy had been trained and conducted during the early years of the war by Warwick, who was appointed lord high admiral in 1642, but who had resigned his office in obedience to the enactments of the self-denying ordinance[n]. He was an eminent leader of the presbyterian party, and greatly distinguished for the temper and manners that gain an ascendancy over, and command the attachment of the lower orders of the community. Batten, who had the actual command of the navy with the title of vice-admiral, was a retainer of Warwick, and administered his office in the same spirit as his predecessor[o]. When the independents came into power in the autumn of 1647, they displaced Batten, and, as it should seem, most of the captains of the fleet. But the independent leaders were not men that acted without reflection; they conferred the

Earl of Warwick.

Vice-admiral Batten displaced.

Rainsborough appointed to the command

[n] Journals of Lords, Apr. 9, 1645.

[o] Clarendon, Vol. III, p. 132.

post of vice-admiral on Rainsborough, a man of considerable abilities, of a most erect and manly disposition, whose father had been an eminent commander, and who had himself spent his early years in the navy, though he had since passed into the land-service [p]. The sailors however appear to have conceived a strong distaste of the change that had taken place.

Repairs to the fleet in the Downs, but is refused admission.

Clarendon says, it was well known that the fleet in the Downs had renounced the service of the parliament, and rejected all their officers [q]. This however cannot be true in the most obvious sense, since those officers had been appointed in the preceding September, and must have long ago entered upon their respective commands. Rainsborough however was not on board at the time of the revolt, having gone to Deal Castle for the purpose of defending it against the Kentish insurgents [r]. Meanwhile he no sooner understood what was going on, of which indeed from the leads of the castle he was in some degree a spectator, than he took boat, and hastened to his station as commander. But the sailors refused to receive him, saying, that he had been a loving and courteous officer to them, and they would offer him no injury, but that they were now on other designs than such as they knew he would partake with them [s]. Such

[p] Clarendon, *ubi supra.*
[q] Ibid. p. 136.
[r] Letter-Book of the Committee of Both Kingdoms.
[s] Carter, p. 52.

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officers as were present were made prisoners, and shortly after put on shore; so that, as Clarendon says, there was not left a person of any station above the rank of a boatswain or a master's mate [t]. Meanwhile, this is not very consistent with what he had said just before of their entire rejection of their officers. Rainsborough had no sooner left the castle of Deal, than the defenders opened its gates to the insurgents.

Conspiracy in London.

While the other parts of the kingdom were thus shaken, London itself was not free from convulsion. Information was given to the two houses on the eighteenth of May, of a dangerous design ready to be put in execution against the parliament and city, by forces enlisted under an oath of secrecy, to the amount of several thousands, both horse and foot [u]. The parliament communicated this intelligence to the corporation; and at the same time a committee of both houses was appointed to go into the city, with instructions for preserving a good correspondence between the parliament and the metropolis, to which the common council answered, that their resolution was to remain firmly joined against the common enemy; that they acknowledged with thankfulness the great care and pains of the parliament for the kingdom, and particularly for the capital; and

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[t] Clarendon, Vol. III, p. 136.

[u] Journals. Rushworth, p. 1119.

that they would live and die with the two houses, agreeably to their former protestation [w].—It was owing to the extraordinary vigilance of the executive, the main authority being in the committee of Derby House, that many of these insurrections, and tendencies to insurrection, were suppressed, almost as soon as they were known to exist.

Langhorn defeated.

It was under this convulsive and alarming state of affairs in nearly every part of the island, that Cromwel set out upon his expedition to South Wales, with his little force of two regiments of horse and three of foot. The horse were his own regiment and that of colonel Thornhaugh; and the regiments of foot were those of Pride, Ewer and Dean [x]. He was fortunately met at Monmouth, which place he reached on the tenth of May [x], with the intelligence of an important check which had been given to the forces of Langhorn, amounting to nearly eight thousand, by colonel Horton, whose regiment was reinforced by the greater part of that of Overton, as well as of Okey's dragoons. His corps was estimated at three thousand; and the engagement took place at St. Fagan's, near Cardiff, two days before that on which Cromwel entered Monmouth [y].

Campaign of Cromwel in Wales.

Yet with all Cromwel's energy, and the uncommon motives that prompted him to expedition and

[w] Whitlocke, May 20. Rushworth, p. 1120.

[x] Rushworth, p. 1118. [y] Journals of Lords, May 11.

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decision, the campaign in South Wales occupied him for two months. The castles of Chepstow and
1648. Tenby were capable of considerable resistance; and Cromwel, leaving Ewer before one, and the regiment of Overton before the other, pushed on with all practicable speed for Pembroke, which was the strong hold and last retreat of the insurgents. The two former places surrendered before the close of May [z]; but Pembroke held out to the last extremity, the main leaders of the insurrection being persuaded that they had nothing to expect from the mercy of the parliament. The town was surrendered on the eleventh of July [a]; and Langhorn, Poyer and Powel were kept in prison till
1649. the following year. They were brought before a court martial in April; and, being condemned, were allowed to cast lots for their lives, two to be spared, and one to suffer; when the lot of death fell upon Poyer [b].

1648. Progress of the Kentish insurgents.

The measures that were adopted for suppressing the insurrection in Kent, were prompt and expeditious. On the twenty-ninth of May, the day which had been appointed by the malcontents for their rendezvous at Rochester, it was voted by the two houses that the whole management of the business of Kent should be intrusted to the commander in chief [c]. On this day the head-quarters

[z] Rushworth, p. 1130, 1142.
[a] Ibid. p. 1190.
[b] Whitlocke, Apr. 21, 25.
[c] Journals.

of the rebels were at Rochester, but the main body was pushed on as far as Dartford [d]. But, when they received the intelligence that, coming as they did in the disguise of petitioners, though with the intention of surrounding the parliament the next day with an armed force of at least ten thousand men, the two houses had by anticipation turned them over to the general, they deemed it advisable to alter their measures. They called in their main body from Dartford [e], and, in a rendezvous at Barham Downs the next day, appointed lord Goring for their commander [f]. Meanwhile Fairfax lost not a moment in the discharge of his commission. On the day he received it, he presided at a rendezvous of seven regiments of horse and foot at Blackheath [g], and, advancing with all expedition, made himself master of Gravesend on the last day of the month [h], and of Maidstone on the day following [i]. This measure entirely disconcerted the projects of Goring; and, making a virtue of necessity, he abandoned all the important points of the county, and, pushing forward towards London, quartered his troops in the royal park at Greenwich [k]. On his march he dispatched letters to the lord mayor, requiring his assistance, or at least his permission to march through the metropolis

Fairfax marches against them.

Insurgents at Greenwich.

[d] Carter, p. 75, 76. [e] Ibid. p. 78. [f] Ibid. p. 81.
[g] Rushworth, p. 1131. [h] Ibid. p. 1135.
[i] Journals of Lords, June 3. [k] Carter, p. 101.

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unmolested [l]. The leaders of the insurrection had already opened a communication with the discontented in London, and entertained sanguine hopes that, as soon as they shewed themselves there, they should find strong and effectual support among the citizens [m]. But the capital, partly awed by the vigorous measures of government, and partly won over by the courtship and condescension of the presbyterian leaders in parliament, now evinced an important change in their views. They sent the dispatches of Goring and his abettors unopened to the speaker of the house of commons, and professed a willingness to be directed in all their measures by the respresentative body [n].

Cross the Thames,

Disappointed in his expectations in this quarter, Goring crossed the river into Essex, leaving as many of his followers as were able, to do the same, while the rest were with no great difficulty dispersed [o].

and take post at Chelmsford.

Kent being thus conquered, this event only served to produce a new war in Essex. Goring proceeded for that purpose to Chelmsford, where he accidentally met with sir Charles Lucas, a prisoner to the parliament on his parole [p]; and they two between them so stimulated the gentle-

[l] Carter, p. 100.

[m] Whitlocke, June 2. Ludlow, p. 250.

[n] Journals of Commons, June 3. Carter, *ubi supra.*

[o] Journals of Lords, June 5. Carter, p. 102, *et seqq.*

[p] Rushworth, p. 1160. Lloyd, Worthies, p. 476.

men of the county assembled at that place, as to induce them to make sir William Masham and the committee of the county their prisoners, and to march to join the fugitives from Kent [q]. These, though only amounting to about five hundred, had kept together; and the two bodies, having united themselves at Brentwood, once more proceeded in a northern direction. At Chelmsford they were further reinforced by lord Capel, lord Loughborough [r], and a strong party from Hertfordshire [s], and from thence proceeded to Colchester. Colchester was an open town; and the insurgents only purposed to continue there a night or two to refresh themselves [t]. The plan determined on by their leaders, was to march through Suffolk and Norfolk, picking up volunteers as they went, and so to return by Cambridgeshire on London, by which time they promised themselves to be at the head of a gallant army [u]. But the alacrity of Fairfax defeated all their projects. He detached Ireton against Canterbury, which surrendered on the eighth of June [w], and himself crossed the Thames at Gravesend with his main body on the eleventh [x]. On the twelfth, Goring had taken possession of Colchester; and

Fall back on Colchester.

[q] Carter, p. 121, *et seqq.*

[r] This was a peerage bestowed by Charles during the war.

[s] Carter, p. 124.

[t] Ibid. p. 129.

[u] Rushworth, p. 1160.

[w] Journals of Lords, June 31.

[x] Rushworth, p. 1150.

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1648. Assaulted by Fairfax.

the next day Fairfax coming up with his army, immediately commenced an assault, believing that forces, so recently collected, and thus taken by surprise, would not be able to resist the impetuosity and experienced valour of his troops. But he was mistaken; and, after seven or eight hours' fight, the royalists maintained their ground, and Fairfax was obliged to retreat[y]. The day following, he began to draw lines of circumvallation round the town[z], conceiving that by this means he should shut in the seeds and spring of so dangerous a rebellion, which might otherwise have spread through the counties round, still acquiring new strength as it went. He also believed that, being wholly unprovided for a siege, they could hold out only a very short time.

Siege of Colchester.

But the firmness displayed by the defenders of Colchester, was greater than any which had appeared on that side during the whole of the preceding war. They considered this as their last stake; the commanders fought with their lives in their hands, and expected no mercy; beside which they were deeply impressed with the persuasion that all England was tired of the usurping power of the army and the parliament, and longed to see Charles restored to his original glory. Finally, they daily expected the advance

[y] Carter, p. 131, *et seqq.* Rushworth, p. 1153.

[z] Carter, p. 138.

of Hamilton's army, and did not doubt that this reinforcement would easily turn the scale, if uncertain before, in favour of the royal party. They therefore felt and fought like heroes; and lord Capel and others, men of unblemished reputation, and deeply impressed with the sacredness of their cause, were determined to hold out to the last. They were engaged in almost daily sallies, for the joint purpose of annoying the enemy, and procuring themselves provisions from the country round.

Insurrection of lord Holland and the duke of Buckingham.

The earl of Holland had, before the breaking out of these commotions, solicited and obtained a commission from the prince of Wales to be commander in chief of an army to be raised for delivering the king out of prison [a]; and he thought this a suitable occasion for endeavouring to execute the charge committed to him. He combined with him in his undertaking the duke of Buckingham, twenty-three years of age, lord Francis Villiers his brother, the earl of Peterborough, colonel Dalbier, and several other persons of note. They put themselves at the head of a thousand horse, and occasioned considerable alarm to the city [b]. They dispatched a letter to the common council, and another to the house of lords, bespeaking their favourable construction, and inclosing a declaration of their intention to set up

[a] Clarendon, Vol. III, p. 122.

[b] Ludlow, p. 255.

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the king in a just regal government, and not in a tyrannical power [c]; and they contrived that information should be conveyed to the defenders of Colchester, signifying that London had declared itself on their side, and that the parliament was dispersed [d]. But the celerity of the government on this, as on all occasions, nipped the mischief in the bud. They found themselves anticipated in their purposed attack on Ryegate; they were defeated in Nonsuch Park, where lord Francis was killed [e]; and the fugitives were pursued to St. Neots in Huntingdonshire, where their commander and several other leaders were made prisoners [f]. Dalbier fell a sacrifice on the spot, to the vengeance of those among whom he had formerly commanded [g].

Gallantry of the defenders of Colchester.

The spirits of the besieged in Colchester were for a moment raised by the false intelligence that had been conveyed to them. They contradicted a report that had been raised that they had made overtures of surrender to Fairfax, and declared that they would listen to nothing of the sort [h]. But this elevation speedily passed away: and news was brought them that lord Holland was made a prisoner, and his followers dispersed.

[c] Journals, July 7.

[d] Whitlocke, July 8. Rushworth, p. 1182. [e] Ibid.

[f] Journals of Commons, July 12. Whitlocke. Rushworth.

[g] Ludlow, p. 256. [h] Rushworth, p. 1183.

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Still they looked for relief from the Scottish army: the prince of Wales sailed for Yarmouth with two thousand land-forces on board, in the hope that in some way he might effect a diversion in favour of the besieged [i]: and they flattered themselves that, if the treaty now going on between the king and the parliament were brought to a satisfactory termination, they should be included [k]. But in all these hopes they were disappointed. Still they held out: and no town in England had suffered extremities in any way approaching those of Colchester. They ate horseflesh and various kinds of aliment the most repulsive to human appetite [l]: they fired the suburbs of the town [m]: they drove out the women and children, whom the besiegers drove in again [n].

Surrender.

Under these circumstances came forward one of those problems, the most distressing in the operations of war. Every generous and ingenuous mind will feel love and admiration for an enemy, in proportion as he shews himself superior to the discouragements of hardship and disaster, and derives an impulse for persisting from the depths of despair. On the other hand, policy seems to demand, that hopeless resistance in an enemy should be discountenanced, and that those who

[i] Ibid. p. 1204, 1206, 1207, 1216, 1224.
[k] Ludlow, p. 264.
[l] Rushworth, p. 1216, 1217, 1221, 1232.
[m] Ibid. p. 1192.
[n] Ibid. p. 1232, 1236.

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practise it should be punished, that we may sooner arrive at that conquest and tranquillity which is the end of war. In the present case also the defenders of Colchester were regarded as men that had wakened up a new war after surrender; and the parliament had decided that all such should be treated as traitors. The leaders in the defence of Colchester made overtures to the besieging general for delivering up the town: he would grant none, but those of protection for the town's-people upon the payment of a certain sum, a free dismission for the private soldier, and that the superior officers should be surrendered at discretion [o]. Driven to extremity by this declaration, the officers resolved to force their way through the enemy; but in this they were baffled. They had no horses left to enable them to execute the plan; and the garrison, worked up to mutiny, declared they would not allow themselves to be thus deserted [p]. At length, on the twenty-seventh of August, the terms prescribed by Fairfax were consented to and subscribed on both sides [p].

Lucas and Lisle put to death.

A scene followed upon the surrender which it is painful to relate. The more distinguished prisoners were shut up by their conquerors in the town-hall, Goring, Capel, Loughborough, sir Charles Lucas, and many others [q]. Fairfax then

[o] Rushworth, p. 1235, 1242.

[p] Ibid. p. 1241. Clarendon, Vol. III, p. 176.

[q] Clarendon, *ubi supra.*

held a council of war on their fate; and the result of the deliberation was, that sir Charles Lucas, sir George Lisle, and another were sent for, and told, that after a defence in which the besieged had held out till they were obliged to surrender to the mercy of the conqueror, it was necessary, in return for the innocent blood they had caused to be shed, and the damage and mischief they had brought upon the town, country and kingdom, that some military justice should be executed, and that in consequence the council of war had determined that they three should be shot before the rest were admitted to quarter[r]. Capel and the others, when they heard of this decision, generously requested that, if any were to suffer in this way, they might suffer together, they being all equally guilty with the three that had been fixed on[s]. Lucas and Lisle were put to death, agreeably to the decision of the council. This instance stands by itself in the history of the war. The deed was certainly ungenerous in the extreme; and was one of those acts which would never be perpetrated, but where victory has pretty sufficiently secured the actors from retaliation[t].—We cannot however form a just judgment of any actions with-

Motives for this severity.

[r] Ibid. Journals of Lords, Aug. 31.

[s] Clarendon, p. 177.

[t] Clarendon, with his usual partiality and malice, ascribes the decision solely to the "unmerciful and bloody nature of Ireton," who, he says, in his wild and groundless way (p. 155), had been

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out endeavouring to enter into the conceptions of the actors. They doubtless reasoned thus: These men must die by the hands of justice; so the parliament has decided respecting persons in their situation; and so it proved in the case of the partners of their deed early in the following year. We shall therefore be guilty of no cruelty towards them: we only cut them off from some months of painful suspence. And we shall do a benefit to the public. The example of such an offence being instantly succeeded by its punishment, may in the interval have a salutary effect in deterring others from such daring and such obstinacy. How far these reasonings form an excuse for so singular a severity must be left to the judgment of the reader.

Sieges of Colchester and Reading compared.

It is a matter of curious speculation to compare the siege of Colchester in 1648, with the siege of Reading in 1643. The latter under Essex lasted only ten days, and his army was nearly ruined. The former under Fairfax and the independent commanders, continued from the fourteenth of June to the twenty-seventh of August. Add to which, that through the whole summer there were such deluges of rain, not only over England, but in all Europe, that the meadows were every where over-

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"left by Cromwel, to watch the general as well as the army." Whitlocke imputes it (June 17) to a jest that had been made on Fairfax, that the defenders of Colchester threatened to cure him of his gout, and all other diseases. The one solution probably had as little solid foundation as the other.

flowed, and each brook became a river[u]. Yet we read of no decay and gradual dissolution of the army in the latter case; and they wound up the campaign, without any diminution of discipline or courage.

Reflections.

From the whole course of events in the summer of 1648, and the convulsions that shook every part of the kingdom, we may form some idea of what would have been the state of affairs, if the army had been disbanded, as proposed by the presbyterians in the preceding year. By the complexion and acts of the government under James, and still more under Charles, and the gradual operation of opinions on religion and ecclesiastical establishments, the nation had been raised into a tone of firm and concentrated resistance to the sovereign. But in all this they were wound up to a pitch, beyond that which the constitution of the public mind could habitually sustain. The calamities of civil war, however mitigated by the staid demeanour and sobriety of the army of the parliament, were deeply felt. The pecuniary disbursements which unavoidably attended on such a war, were such as England was wholly unaccustomed to. The people, to speak of them in the language of the Jewish history, pined for "the flesh-pots of Egypt." In their untutored minds, they thought that a return to their former state

[u] Burnet, Memoirs of Hamilton, p. 359.

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would be a remedy for all their evils. Religion itself, deeply as it is rooted in the constitution of the human mind, cannot be made an incessant principle of action. "Faith is the substance of things *hoped for*, the evidence of things *not seen*." But man is eminently the creature of sense, led away by that with which his eyes are perpetually conversant. The result was, that a great portion of the people desired the condition of their ancestors. And the royalists, led partly by a sentiment of constancy and honour, and more, and more generally, by hatred, revenge, and an expectation that every one of them, if the king were triumphant, would suddenly become rich and prosperous, took advantage of this temper in those that were of no party. If the army had been disbanded, either all that the nation had contended for through long and honourable campaigns, would have been lost; or, at best, the battle would have been to be fought over again, as if the field had never been won.—This, by the way, the presbyterian leaders were well aware of: and, however in their public orations they pleaded for a universal turning of the sword into the ploughshare, in their more ingenuous confessions they owned, that what they wanted was the placing the sword in hands more agreeable to their temper and views [w].

[w] See above, p. 214, 267.

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Reasonings of the republican leaders.

Under these circumstances the leaders of the commonwealth-party appear to have taken a masterly view of the situation in which they were placed. They entertained a deep abhorrence of kingly government, and an intimate persuasion that no form but that of a republic can raise human beings to the generous, honest and independent tone of mind which they regarded as the proper and fitting condition of man. They loved their country, and were fervently desirous of conferring lasting benefit upon the present generation, and the generations that were to succeed. They well knew that the mass of their countrymen did not desire republican government, and were not capable of duly appreciating it, upon the supposition that themselves saw it at its true worth. What then? Is benefit not to be conferred upon a man, or a race of men, till they fully understand it? This is not the march of human affairs. All earthly good is of a twofold character, is both cause and effect. Before I give to a man an excellent education, or any other eminent intellectual advantage, I should wish to have a foundation laid in his desiring it. But, oh, how feeble is his estimate in the beginning, of the good that will accrue, compared with that sense of its excellence, which possession imparts! The commonwealthsmen of this day had attained as favourable a situation as could reasonably be hoped for, in the commencement of an undertaking of this magnitude. Their

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own party was both strong and fervent, and the men who consulted for effecting the object, were men of singular ability and extraordinary comprehension. The principles of the monarchy were shaken, and its foundations laid bare. It was difficult to reinstate the king in his legitimate authority; and from his peculiar character, as well as from the open profligacy of some, and the blind devotion of others of his followers, there could be no sufficient security, that what was well begun would not speedily relapse into all that was to be deprecated. If a republic were once established, and that they thought they clearly saw was now practicable, they believed the adherents of that form of government would yearly increase, and those who partook of its inestimable benefits, would, some more and some less rapidly, be led to a state of mind that should be most earnest not to give up that, which they had at first coldly, with a negative assent, and not with a fervent acceptance, admitted.

CHAPTER XIX.

WARWICK APPOINTED LORD ADMIRAL.—DISAFFECTION OF THE NAVY.—PRINCE OF WALES COMMANDS NINETEEN SHIPS OF WAR.—ANCHORS AT THE MOUTH OF THE THAMES.—WARWICK APPEARS WITH A STRONGER FLEET FOR THE PARLIAMENT.—MANY OF THE PRINCE'S SHIPS DESERT TO HIM.—THE REST ARE DISPERSED.—SCOTTISH ARMY CROSSES THE BORDERS.—ADVANCES TO KENDAL.—DEFEATED BY CROMWEL AT PRESTON, WIGAN AND WARRINGTON.—CROMWEL AT EDINBURGH.

CAHP. XIX.

1648. Warwick appointed lord admiral. May 29.

THE progress of events in the siege of Colchester has led us away from the fleet which had deserted from the Downs, and anchored on the coast of Holland. The first remedy which the parliament applied to this calamity was, on the same day on which they voted that the whole management of the business of Kent should be intrusted to Fairfax, to pass an ordinance appointing the earl of Warwick lord high admiral of England, and to vote that to this nobleman should be intrusted the giving indemnity to the captains and

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mariners as he should judge proper[a]. He accepted the appointment with alacrity, and immediately set about discharging the duties of his commission.

Repairs to the Downs.

On the last day of the month Warwick arrived in the Downs, and signified to the commanders, that he came to take the direction of the fleet by the authority of parliament. The sailors, hearing of his appointment, had sent a frigate as far as Tilbury, to invite him among them; but, when he arrived, being prompted to that proceeding by the commissioners of the Kentish insurgents who were on board, they declared their resolution not to admit him, till he had first acceded to the engagement of the county-petitioners. Warwick accordingly returned to London, and reported the ill success of his mission to the two houses on the second of June[b].

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[a] Journals.

[b] Journals of Lords. There is no point of history, of so recent a date, left in greater obscurity by the historians, than this of the revolt of the fleet in the Downs. Clarendon and the royalist writers express themselves as if the whole navy of England went over on this occasion, though their subsequent narrative contradicts this idea. Clarendon, p. 132, calls them ten or a dozen ships. Echard says twenty. Ludlow's expression (p. 237) is, many. Roger Coke (p. 401), who is copied by Hume, states them as seventeen. Rapin and Oldmixon represent them as only seven or eight. Meanwhile, in consulting the Letter Book of the Committee at Derby House at the State-Paper Office, I find, in a letter from the committee to Fairfax, dated 28 May, that they had "this day received information, that the vice-admiral's squadron of seven

From London he immediately proceeded to Portsmouth, where he went on board the four ships

ships now riding in the Downs, have declared for the king, and complied with the Kentish commissioners." And in a subsequent letter, June 5, the number is reduced to six, Warwick having brought off with him one of them after his unsuccessful expedition to the Downs. The obscurity has been produced by confounding the ships that deserted from Deal, with those that afterwards went over to the standard of the prince.

Inaccurate notions have been formed respecting the navy of England as it existed at this time. We had then, as now, a fleet at Portsmouth, and ships in various stations, at Plymouth, Yarmouth, Newcastle, and on the coast of Ireland. In the Journals of the House of Commons, February 8, and again March 17, of the present year, there is a list of the navy, the first consisting of thirty-nine battle-ships, the second of forty-one. In the first they are distinguished into rates, seven second rates, twelve third, eight fourth, and twelve fifth rates. In 1652 [See Derrick's Memoirs of the Rise and Progress of the Royal Navy] there were three first-rates, the Sovereign of one hundred guns, built by Charles I, the Resolution of eighty-five, and the Triumph of sixty. At that time the largest second-rate carried fifty-four guns; the third-rates, at the most fifty; the fourth-rates forty; and the fifth rates twenty-four. There is here also added a head of sixth-rates, the largest carrying eighteen guns.

Clarendon's industry is applied on this occasion to blackening the character of the earl of Warwick. The earl of Holland, who led the Surrey insurrection a few weeks later, was Warwick's brother; and Clarendon says, p. 122, 159, "He did not restrain, or endeavour to suppress, Holland's discontents, but inflamed them, and promised to join with him." He assigns, as a reason for this, that "he had undergone some mortification, and had not that authority in naval affairs which he used to have, though he was high-admiral of England by ordinance of parliament," which office he had resigned three years before. See above, p. 532. And, further on (p. 132), "Both the earl and Batten well knew that Rainsborough

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which were in the harbour. Here he was more successful than in the former instance, and was re-

was now made admiral of the fleet, because they being presbyterians, should have no credit or influence upon it, which made them solicitous enough that the seamen should not be well pleased with the alteration." It is evident, that a great deal of this is built upon Clarendon's imagination that Warwick still held the office of lord admiral. But the most intolerable insinuation is, where he says, that Warwick accepted his present trust from the parliament (p. 141), that he might be "in a better posture to chuse his party, in case of any alteration that should happen," between the present government and the royalists. Will any one believe that a nobleman of Warwick's high character, a member of the committee at Derby House, and now and before lord high admiral of England, would have accepted this latter office, that he might be "in a better posture" to betray those from whom he received it?

It appears however that this idea prevailed so far among the royalists abroad, for no other reason probably than that Holland was his brother, that the prince of Wales wrote to him (Clarendon, p. 159) "to summon, or invite him to return to his allegiance." To this, as Clarendon says, he returned an answer, "humbly beseeching his highness, in terms of duty enough, to put himself into the hands of the parliament, and that the fleet with him might submit to their obedience, upon which they should be pardoned for their revolt."

Warwick published a Declaration, dated 11 November (Rushworth, p. 1326), in which he "professes in the presence of God, that, as to the resolution of joining with the prince, falsely imputed to him, it never entered his thoughts, and that his soul abhorred it, as inconsistent with his duty, prejudicial to the parliament, destructive to the kingdom's peace, and unworthy of a free-born Englishman:" adding, "While I have a heart and hand, I shall not fail, by God's assistance, to have them on all occasions lifted up for the service of the parliament, and the common interest of England, with my uttermost integrity, and to my highest hazard."

ceived by the seamen with warm assurances of their fidelity [c].

1648. Prince of Wales takes the command of the revolted ships.

Meanwhile the ships which had left the Downs, first shewed themselves off Yarmouth [d], then returned to Deal [e], and presently after passed over to Holland [f]. Here they took the duke of York on board, who had recently escaped from his keepers in England, and whom his father had declared his intention to make admiral of the fleet, as soon as he had reached a proper age [g]. The duke came on board early in June: but, about a month later, the prince of Wales, who burned for an occasion of distinguishing himself, and contributing to the rescue and restoration of his father, made his appearance at Helvoet, and immediately assumed the command [h]. Up to the middle of July this fleet continually received a fresh accession of strength: about that time Batten, late vice-admiral for the parliament, came among them bringing the Constant Warwick, a frigate built at the expence of the earl, and afterwards purchased by the parliament, and two or three experienced commanders [i]: and, deserters from various parts having imperceptibly joined them, the prince

They increase in number.

[c] Journals of Lords, June 8. Rushworth, p. 1145.

[d] Letter Book of Derby House, June 5.

[e] Ibid. June 8. [f] Whitlocke, June 14. Rushworth, p. 1151.

[g] Clarendon, Vol. III, p. 136, 138.

[h] Rushworth, p. 1189. Clarendon, p. 138, 139.

[i] Clarendon, p. 140. Derrick.

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now found himself at the head of nineteen men of war, which, being victualled by the prince of Orange and others, were perfectly ready for any enterprise [k].

Shew themselves on the coast.

With this fleet he sailed to Yarmouth, hoping by his appearance there to be able to raise the siege of Colchester. He had two thousand men on board, and immediately attempted a landing at Yarmouth, having great reliance on the loyal disposition of the inhabitants. But here, as every where, the vigilance of the government displayed itself, and they were with little difficulty driven back to their ships [l].

Appear at the mouth of the Thames.

From Yarmouth the prince sailed to the mouth of the Thames: and here he seems to have placed great reliance upon the favourable effect he should produce to the royal cause by intercepting the commerce of London. He captured an Indiaman richly laden, a ship bound from London to Rotterdam, worth forty thousand pounds [m], another vessel from the coast of Guinea with nearly twenty thousand pounds in gold [n], and several more; the produce of which, according to Clarendon, would have amply fed and supported the fleet. But it was not consistent with the policy of the commander or his advisers to exasperate

[k] Whitlocke, July 26. Rushworth, p. 1204.

[l] Whitlocke, July 26, 28. Rushworth, p. 1204, 1206.

[m] Clarendon, Vol. III, p. 156, 157. [n] Whitlocke, Aug. 8.

the citizens; and he accordingly wrote to the company of merchant-adventurers at London, offering, in consideration of the sum of twenty thousand pounds, to discharge all the trading vessels then in his hands [o]. He took the same opportunity of addressing the common council and the house of peers, lamenting the situation in which he was placed, and desiring that some equal course might be settled for the support of himself and the navy under his command, that he might thereby be enabled to protect the trade of the kingdom [p]. The house of commons forbade these negociations with the merchants and the city, and declared those who adhered to the prince traitors [q]: but, according to Clarendon, the intercourse, whether by connivance or otherwise, still went on, and the prince received the sum of twelve thousand pounds from the proprietors of the ship bound for Rotterdam [r].

Castles of Deal, Walmer and Sandown surrendered.

There were three castles, or block-houses, constructed for the defence of the harbour of Deal, which, at the time of the defection of the fleet, had fallen into the hands of the insurgents in Kent. When the rest of the county had been reduced to the obedience of parliament, these castles had held

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[o] Whitlocke, Aug. 2. Rushworth, p. 1214.

[p] Journals of Lords, Aug. 3, 8.

[q] Journals of Commons, Aug. 3, 4.

[r] Clarendon, p. 158. He says, the parliament actually granted the permission desired. The contrary of this appears from the Journals.

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out. At this time the prince landed about one thousand men, with the hope of raising the siege. But the invaders were repelled, and the castles soon after surrendered [s].

Warwick opposes the prince with a fleet.

Here ended this disgrace to the government of England, of a hostile navy riding unopposed on her shores. Warwick had been diligently employed in collecting ships from all quarters to face the prince, and towards the end of August presented himself with a fleet of ships, stronger and more numerous than those of the enemy [t]. For two days the navies rode in sight of each other, and threatened an engagement [u]. But Warwick knew his duty better, and determined to defeat the prince, by another mode than that of fighting. It was at this time that the prince of Wales wrote to the English admiral, to summon or invite him to return to his allegiance [w].

Aug. 29, 30.

Prince retires to Holland.

After a short period in which the two fleets appeared mutually to defy each other, the prince judged it advisable to put into Helvoetsluys to refit and supply his ships with provisions. Warwick lost no time in following him thither. Holland was a neutral power; and there could be no objection to Warwick's landing his seamen there,

[s] Journals of Commons, Aug. 15. Whitlocke. Rushworth, p. 1228.

[t] Clarendon, Vol. III, p. 159, 160.

[u] Rushworth, p. 1242, 1248, 1251. [w] Rushworth, p. 1251.

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and suffering them apparently to follow their own amusements [x].

1648. Revolted ships waver in their fidelity.

Warwick distinctly saw, and presently resolved to turn to account, the situation of the prince's fleet. The ships were all English built, the sailors inhabitants of this island. When they had deserted, their object was to restore the king. Deceived by the appearance of affairs, they believed his restoration by the interference of his own determined partisans to be near at hand. And, understanding but little, and taking little part in the internal divisions of their country, they considered Charles as their lawful king, the successor by right of blood to Henry and Elizabeth. They determined therefore to have their share in bringing about the event they earnestly desired.

But the face of things was now exceedingly altered. The parliament and the army were successful on all sides; Charles was still inclosed in the walls of Carisbrook Castle; and his restoration, perhaps at all, certainly to the plenary authority he aimed at, was further off than ever. The parliament suspended the thunders of the law over the head of the revolted fleet, and still offered them terms of indemnity. Gladly would these sailors have brought the king home with them, and seated him unquestioned on the throne of his ancestors. But that prospect was now at an end.

[x] Clarendon, p. 160, 197.

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1648. And what was to be their condition in the sequel? Were they to submit to be for ever exiles from their country, rovers and pirates upon the high seas, while their wives and families remained at home, hostages for their conduct, and destined to be the victims of their misdeeds?

Warwick courts them to submit.

This prospect Warwick knew how to set before them. He put his seamen on shore in considerable numbers, and instructed them to mix with their quondam associates, and to press upon them a salutary view of their true interests. He knew how to furnish them with arguments that were sure to succeed; and he spared no pains in a question, where the interests of the government that had commissioned him, and of the men to whom he addressed himself, were perfectly united.

The revolt is suppressed.

The result was every thing that his most sanguine hopes could have anticipated. The prince's sailors deserted in considerable numbers; the Constant Warwick, Warwick's own frigate, suffered itself to be captured; and one ship after another returned into English harbours, and made their

1649. submissions[y]. Blake, in the beginning of the following year, pursued the remainder, now under the command of prince Rupert, first to Ireland, next to the coast of Portugal, and lastly to the West Indies[z]. Rupert at length returned to

[y] Clarendon, p. 198.

[z] Roger Coke, Vol. I, p. 403.

France with two ships, little better than wrecks, which he sold to cardinal Mazarine [a].

1648.

During these various transactions, the cloud which seemed to threaten the stability of the government in England perhaps more than any other, was the threatened invasion from Scotland. The parliament of that country had voted an army on the third of May, for the purposes of establishing presbyterianism in England, exterminating sectaries, and replacing the king on the throne. This army was to consist of thirty thousand foot, and six thousand horse, exclusively of Monro's forces which were recalled from Ireland to join the expedition. If this project had been carried into execution immediately, while England, during the months of May and June, was convulsed with insurrections through all her borders, the designs of Cromwel and his associates would very possibly have been defeated, and it would have remained to be seen whether, in the confusion that followed, the party of the presbyterians, or that of the pure royalists, would have been best able to dictate the law that was to be given to the English nation.

Danger which is threatened from the army of Hamilton.

But two precious months were lost by the Scots. The Hamilton party had been triumphant in their parliament, and the duke of Hamilton was named general on the tenth [b]. But the party against him

It enters England

[a] Ibid.

[b] Guthry, p. 269.

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was extremely formidable. The Scottish clergy, as we have seen, almost unanimously expressed their dissatisfaction with the treaty concluded in the isle of Wight. The marquis of Argyle, who had always been in a faction opposite to that of Hamilton, even opened a correspondence with Cromwel on the subject [c]. It was the misfortune of the latter nobleman that he never gained completely the confidence of any party. On the present occasion he dealt with the English royalists, and aided and abetted Langdale and Musgrave in the surprise of Berwick and Carlisle: while the Scottish clergy, equally envenomed against both sectaries and episcopalians, insisted that not one of the latter should be allowed to partake in their sacred expedition. Hamilton was sincere in his attachment to the presbyterian system; at the same time that he was so truly devoted to the cause of his royal master, that he could not find in his heart to drive from him any aid by which that cause might be effectually promoted. In this state of things the levies, though directed by act of parliament, were industriously obstructed in various quarters; and it was not till the eighth of July that Hamilton was enabled to cross the borders with so many as ten thousand foot and four thousand horse [d].

[c] Guthry, p. 270.

[d] Ibid. p. 279. Rushworth, p. 1193. Burnet, Memoirs of Hamilton, p. 356.

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Lambert, as we have seen, was the officer appointed to control the operations of sir Marmaduke Langdale; and, during the two months in which this latter had preceded the march of Hamilton, Lambert had contrived not only to execute his commission in this respect, but to obtain to a certain degree the superiority over the invader. Colonel Robert Lilburne was sent to him with reinforcements [e]: and he gradually increased his strength to eight thousand men, while that of Langdale appeared to diminish [f]. The invader had advanced as far as Kendal; but, pressed by the forces of the parliament, he fell back from post to post, till he was driven to the walls of Carlisle [g]. From thence he wrote to Berwick for reinforcements; but the party that advanced in compliance with his request, to the amount of one thousand men, was met by Lilburne near Alnwick, and totally defeated [h].

Successes of Lambert.

Hamilton, having addressed a letter to Lambert, calling on him not to oppose the pious and loyal undertakings of the Scottish parliament, or of him who was commissioned to execute them, and having received a suitable and spirited answer, advanced to Carlisle, from Carlisle to Penrith, and from Penrith to Kendal [i], while Lambert judged it expedient every where to retire before

Progress of Hamilton.

[e] Rushworth, p. 1140.
[f] Ibid. p. 1157, 1165.
[g] Ibid. p. 1157, 1165, 1184.
[h] Ibid. p. 1177.
[i] Ibid. p. 1194.

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him, and to hang on his march. At Kendal he was joined by general Monro from Ireland, with a veteran force of two thousand foot, and one thousand horse [k]. He had already under his orders Langdale's auxiliaries to the amount of nearly five thousand [l].

He is accused of procrastination.

It has been thought, that if Hamilton, even after his army had crossed the borders, had pushed forward with all expedition towards London, he could with ease have effected a revolution in favour of the king [m]. Cromwel was engaged in the siege of Pembroke, and Fairfax in that of Colchester. If Fairfax had raised the siege, it is said, the army shut up in that town, together with all the malcontents of Essex, Norfolk and Suffolk, would have harassed and pursued him. And, if Hamilton had approached the capital, there is no doubt that the city and the parliament, as things then stood, would immediately have declared themselves on his side.

Propriety of his measures.

But this is a very doubtful speculation. England was at this time particularly warlike, being made so by a six years' contest. There never existed an army of higher discipline and character than that under the command of Fairfax and Cromwel. Cromwel finished the siege of Pembroke, three days after Hamilton crossed the borders; and

[k] Burnet, p. 357. Guthry, p. 279. Clarendon, p. 161. [m] Rapin, *ad annum*.

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Colchester was already reduced to the greatest extremities. A gallant military corps under Lambert and Lilburne already hung on the duke in his march, capable of infesting and distressing him at every step, though not judging it advisable to engage him in battle. Cromwel however held it expedient to write to Lambert, not to fight the Scots before he arrived [n]. A march of two hundred and sixty miles under these circumstances, to say the least of it, would have been a very hazardous undertaking. Success would have justified it: but, as success was very improbable, it can scarcely be thought to have been advisable. Hamilton had been promised a force that should nearly triple his present numbers, and therefore rationally expected to see his lines greatly recruited. At all events, if his expectations were disappointed both from England in his front, and Scotland in his rear, the next prudent object that called for his care, was to preserve his army to resist an invasion of his native country by the exasperated chieftains of England.

His unfavourable position.

Hamilton held on his march from Kendal to Preston; but he was greatly crippled by the internal dissentions of his native country, and of his officers. He was obliged to order Langdale's forces to march at a considerable distance in advance [o]; malignants and papists were not to be

[n] Rushworth, p. 1218.

[o] Clarendon, p. 161.

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allowed to profane by their contact a body of Scots' presbyterians. Monro from Ireland kept himself aloof. He could not endure the thought of receiving orders from either Callander or Baillie, the lieutenant-general and major-general of Hamilton's army [p]. The duke's forces therefore were dispersed over a surface of twenty miles [q].

Cromwel marches against him.

Cromwel made no delay in his march to extinguish this most formidable focus of resistance on the part of the royalists. His troops had been greatly harassed and exhausted by their Welch campaign. They were many of them without shoes, and several of the most necessary equipments of an army. But the spirit of the commander, and the indignation they felt, that their late allies of the north should march in hostile array into the land to prescribe to the internal government of England, gave them fresh energy and life. They marched by the way of Gloucester, Warwick and Nottingham [r]. Cromwel reached Doncaster on the seventh of August [s]; and, as he passed, detached some reinforcements to the party that had formed the siege of Pontefract [s]. A few days after, he formed a junction with the forces of Lambert at Knaresborough [t].

[p] Burnet, p. 357.

[q] Clarendon, p. 161. Guthry, p. 283, says thirty-eight miles.

[r] Rushworth, p. 1206, 1208, 1218.

[s] Ibid. p 1227.

[t] Ibid. p. 1237.

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1648. Defeats Langdale.

He was not disposed to admit of any delay in encountering the army of Hamilton. In the present convulsed and distracted state of the English nation, celerity was of the utmost importance: and he had confidence in the misunderstandings existing in the forces of the invader, that these would prove a powerful aid to him in bringing about the consummation he wished. An eminent disadvantage under which the Scots are said to have laboured, was a defect of intelligence, so that they had no notion of the nearness of Cromwel till he was in a manner within their quarters[u]. The forces of Langdale were placed by Hamilton in the front of his battle, being several miles in advance of the Scots' army. Cromwel therefore, having passed the Ribble towards its source, speedily fell on the out-posts of the English royalists, before the duke had had time to dispose his army to advantage. Langdale retired before the enemy, till he had nearly reached the walls of Preston. In the mean while he communicated his situation to Hamilton, who promised to send him reinforcements, which, through misunderstandings between the general and those who commanded under him, never arrived. Langdale fought for four hours with great bravery against Cromwel's whole force, till at length he was compelled to fall back on the main army of the Scots. Langdale often

[u] Clarendon, Vol. III, p. 161.

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affirmed afterwards, that he verily believed, if one thousand foot had been sent to support him, it would have changed the fortune of the day; and Cromwel is said to have acknowledged that he never encountered foot that fought so desperately [w].

Battle of Preston. Aug. 17.

Having thus removed the impediment of the English royalists, Cromwel fell upon the main body of the enemy, who by this time were crossing the Ribble, and advancing into Cheshire. The foot for the most part had passed over; but Hamilton, with a part of the horse and two brigades of foot, remained on the north side to cover the retreat. Here Cromwel attacked them, killing one thousand, and making four thousand prisoners. At length the Scottish horse swam the river, which was much swelled with floods, and rejoined their main body. The two brigades of foot were cut to pieces, dispersed, or made prisoners. Cromwel took possession of the bridge at Preston. This was on the seventeenth of August [x].

Battle of Wigan. Aug. 18.

The parliament-general immediately perceived that he had gained but an imperfect victory, and that his final success depended on his allowing the Scots not a moment's intermission to recover themselves. Hamilton's forces retreated to Wigan; but Cromwel pursued them incessantly, and

[w] Rushworth, p. 1237. Burnet, p. 358, 359. Clarendon, p. 162.

[x] Rushworth, p. 1237. Burnet, p. 358, 359, 360.

obliged them every instant to turn round and defend themselves. In this pursuit he took general Vandruske, and the notorious Hurry prisoners, but lost the gallant colonel Thornhaugh, who was slain on the field [y]. Thus ended the second day.

Battle of Warrington. Aug. 19.

The third day was occupied by the Scots in the march from Wigan to Warrington. As in the former day, they were perpetually harassed by the pursuit of Cromwel. At length, at Winwick, three miles short of their destination, they met with a pass, where they thought they could successfully make head against the insulting victor. Here therefore, distressed as they were with the fatigues and difficulties of the two preceding days, and disheartened by the perpetual crosses and disasters they had sustained, they presented a bold front to the troops of Cromwel, and maintained the pass with great resolution for many hours. The English at length were victorious; the Scots withdrew from the ground they had maintained; and Cromwel in the conflict slew about a thousand of them, and made twice as many prisoners. From hence they retreated to Warrington, where they had hopes either to maintain the bridge over the Mersey, or to break it, and so obtain leisure for themselves to take breath, and consider what was next to be done. But the impetuosity of the con-

[y] For his character, see Ludlow, p. 260; and Hutchinson's Memoirs, Vol. II, p. 132, 135.

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queror broke all their measures. Cromwel no sooner reached the bridge, than he drove away the Scots, and took possession of it for himself[z].

Hamilton retreats with his cavalry.

When the bridge was taken, then, and not before, the English found it necessary to take a short period for repose. The Scots in the mean while called a council of war; and here it was suggested that Hamilton and the cavalry should withdraw from the foot of the army, and preserve themselves for a better fortune. The foot had lost all their ammunition, and were no longer capable of defence; but the horse, by getting off, might either join any party in England that should be making head in favour of the king, or might even effect their retreat into Scotland, and assist in preserving their native country from the worst results of this terrible reverse. Monro and his forces from Ireland were in Westmorland or Cumberland, and consequently had no share in the sufferings endured by the rest of the troops under Hamilton's command. They formed a point of support upon which the defeated army of the duke might count for cooperation and repose. This suggestion was therefore adopted. Hamilton, with about three thousand horse, shaped his course for Chester, with the intention of passing into Wales; and the infantry surrendered themselves prisoners of war[a].

[z] Rushworth, p. 1238. Burnet, p. 361.

[a] Rushworth, p. 1238. Burnet, p. 361, 362.

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In this obstinate contention, the Scots amounted, according to Cromwel's computation, to twelve thousand foot and five thousand horse; and Langdale's force was not less than two thousand five hundred foot, and fifteen hundred horse; in all, twenty-one thousand: while his utmost strength did not exceed eight thousand six hundred [b]. Numbers of the two armies.

Hamilton was not less unfortunate in his retreat, than he had been in the main object of the campaign. He presently received intelligence, which induced him to alter his course, and to make a last effort to effect an escape into Scotland. The day after the surrender of his infantry he executed a rapid march with his horse to Malpas in Cheshire. Two days later he took up his quarters at Utoxeter in Staffordshire. In so disastrous a journey, of course many of his troops fell off from their leader; and, when on the subsequent morning he proposed to leave Utoxeter, his followers displayed evident symptoms of mutiny. They conceived the suspicion that their general officers meditated a separation from the body; and they compelled their commander, when he had advanced not more than a mile from the town, to retrace his steps. The whole country rose in arms against the fugitives; they were summoned to surrender by the municipal magistrates and county committees in the neighbourhood: and, Hamilton

Hamilton surrenders.

Aug. 25.

[b] Rushworth, *ubi supra.*

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perceiving that resistance and flight were equally vain, sent to Lambert, who had been detached by Cromwel to guide the pursuit, to ask for conditions. The general and his followers surrendered themselves prisoners of war. This took place on the twenty-fifth of August [c].

Correspondence of Cromwel and Argyle.

Cromwel himself in the mean while directed his attention to the reducing Monro, who, with two thousand foot and one thousand horse [d], remained in a body on the borders of Westmorland and Cumberland. Scotland itself was at this time in a state of the greatest distraction. Argyle, who had anticipated the defeat of Hamilton, and was secretly in correspondence with Cromwel [e], made early preparations to resist the adherents of the duke, and all those who had lent their countenance and support to the invasion of England [f]. Argyle was sincere in his attachment to the presbyterian church-government of his country: but there was one sentiment in his mind which predominated even over this, a sentiment of animosity against Charles. It is believed that a principal subject of his correspondence with Cromwel, was how the person of the king should be disposed of, when the campaign was concluded [g]. This was a point concerning which these two eminent

[c] Burnet, p. 362, 363, 364.
[d] Guthry, p. 279.
[e] See above, p. 562.
[f] Ibid. p. 271.
[g] Ibid. p. 298.

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persons, each in his respective country, perfectly coincided.

1648. Treaty between Argyle and the committee of estates.

If Scotland was in a state of disturbance previously to the arrival of the news of the destruction of Hamilton's army, it may be conceived how that intelligence operated upon his friends and his enemies. Lanerick, who had been left by him in the direction of affairs at home, immediately raised three new regiments of horse, for the defence of himself, and the committee of estates, as at present constituted [h]. Argyle, Loudon, and others, who had opposed to the extent of their power the levy of forces under Hamilton, armed themselves on the other side. Lanerick, that he might the more effectually put down this hostile body, called home Monro [i]. Thus prepared, he would probably have been able to defeat his adversaries; but there was another quarter from which he had much more to fear, in the near approach of Cromwel. Lanerick, it is said, was disposed to hold out to the last; but most of the other members of the committee of estates judged all further opposition to be vain, and were unwilling to risk their fortunes and condition in the world in a desperate cause. They therefore opened a negociation with the partisans of Argyle; and finally concluded a treaty for disbanding the

[h] Guthry, p. 283. [i] Burnet, p. 368.

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forces on both sides, and securing an indemnity to those who had taken part in the war [k].

1648. Cromwel at Edinburgh.

No sooner was the treaty effected, than Argyle, Loudon, and their partisans proceeded to Edinburgh, and assumed the government, under the appellation of the committee of estates, those members who had supported the invasion being excluded from their sittings[l]. From this time Argyle, who had secretly invited Cromwel into Scotland, with the rest of the committee openly communicated with him. Cromwel, ever since the defeat of Hamilton, had been marching northward, first in pursuit of Monro, and afterwards, that in conjunction with Argyle, he might settle the affairs of the northern kingdom in the way most favourable to his designs. At length, on the twenty-second of September, these two celebrated chieftains met at the house of lord Mordington[m], two miles north of Berwick, from whence Argyle conducted the English commander in triumph to Edinburgh in the beginning of the following month. The principal thing formally required by Cromwel, was that all persons who had been engaged in conducting or abetting the invasion, should be excluded from places of profit or trust, to which the other party

[k] Ibid. p. 367, 368. Guthry, p. 287.

[l] Burnet, p. 375. Guthry, p. 296.

[m] Rushworth, p. 1282. Guthry, p. 297.

cheerfully consented[n]. He also, on quitting Edinburgh for the south a few days later, left Lambert with two regiments of horse, to maintain the superiority of his confederates[n]. Sir Arthur Haselrig, governor of Newcastle, had accompanied Cromwel to the northern capital[n].

[n] Rushworth, p. 1295, 1296.

CHAPTER XX.

BALANCED STATE OF PARTIES IN THE SUMMER OF 1648.—ZEAL OF THE CITIZENS.—PRESBYTERIAN VOTES OF THE COMMONS.—IMPEACHMENTS OF THE FORMER YEAR DISMISSED.—ADDITIONS TO THE COMMITTEE OF EXECUTIVE GOVERNMENT.—SLOW ADVANCES OF THE TREATY WITH THE KING.—SCOTTISH INVADERS DECLARED ENEMIES.

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1648. Balanced state of parties in the summer of the year.

WHILE Cromwel was thus employed in the service of the state, the most memorable changes had taken place in the seat of government. A short time before he set out on the business of the campaign, the presbyterian interest in the house of commons had from various causes considerably gained ground on the independent; and, from the end of April till towards the close of the year, the two parties were in an extraordinary state of equilibrium. There were many circumstances that induced each to practise a singular forbearance to the other during the early part of this period, giving way in turn to the resoluteness or impetuosity of the opposite party. It was clear that the year 1648 would be a busy and an anx-

ious year in the field: both parties promised themselves a favourable issue to the campaign: and each was willing to expect the advantages which that issue would produce in the cabinet. The levy of an army that was going on in Scotland, the insurrection that had already begun in Wales, the discontent, and disposition to rise, that existed in almost every part of England, the combustible materials dispersed on all sides, filled the presbyterians with the most sanguine expectations. They waited with calm and confident hopes for the advantageous position, which the success of their friends in the field, would not fail to give to the statesmen in the national deliberative assembly. On the other hand, the independents were not less sanguine in their anticipations of what would result from the exertions of the best disciplined army and the most accomplished commanders that England had seen, at least since the memorable fields of Cressy and Poitiers.

Five different bodies possessing influence in the state enumerated.

If we would clearly comprehend the civil history of this period, we must give our attention to five different parties or bodies of men now existing in the state, exclusively of the party of the royalists: the committee, or executive government, which sat at Derby House; the house of lords; the independent interest in the house of commons; the presbyterian interest in the same assembly; and the corporation of the city of Lon-

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don, which was almost to a man presbyterian. In this enumeration we have not included the council of war, or council of the army, which remained in a state of inaction in political matters till the following November. The committee at Derby House contained some eminent presbyterians, as the earls of Warwick and Manchester, sir Gilbert Gerard, and Mr. Crewe; but the majority of the members were independents.

A majority of the executive government independents.

Zeal of the citizens.

The presbyterian party in the house of commons were cautious and considerate in their measures. Their leaders were men of education and reflection; and they were held in check by the formidable numbers and profound talents of the independents. But the presbyterians engrossed almost the whole of the corporation of London; and therefore that body was more undisguised and less temperate in its proceedings. When the county of Kent had broken out in rebellion, there had been much clandestine correspondence between the insurgents, and certain leading men in the city; and, when Goring drew up his forces at Blackheath, letters had been dispatched thence to the lord-mayor and citizens, intreating their candid construction and friendly assistance[a]. But the prudent conduct and condescending attentions of the house of commons had prevented this danger. In like manner, when the earl of Holland

[a] See above, p. 537.

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and the duke of Buckingham rose in arms, a similar scene was acted, with similar success[b].

But things proceeded in a different manner, in what related to the Scottish invasion. Scotland was the focus of presbyterianism; and every thing had been conducted with the utmost cordiality between the authorities in Scotland and the English presbyterians from the commencement of the war. The latter had good reason to know that Hamilton and his confederates were presbyterians in their hearts; and they therefore looked for the most auspicious results from the advance of a Scottish army of thirty or forty thousand men into the bowels of England. It was this expectation that led to the vote of the twenty-eighth of April, moved by the presbyterians, and submitted to by the independents, that the propositions which had been sent to the king at Hampton Court by consent of both kingdoms, should be the ground of their deliberations for the settlement of peace[c]. On the third of May the demands of the parliament of Scotland, previous to the threatened invasion, were delivered to both houses; and, two days after, the commons came to a resolution, to maintain and preserve inviolably the solemn league and covenant, and the treaties between the two kingdoms, and declaring their readiness to join with the Scots on the basis of the propositions which had

Scottish invasion countenanced by the presbyterians in parliament.

[b] See above, p. 541. [c] See above, p. 518. Journals of Commons.

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been offered to the king at Hampton Court[d]. These resolutions immediately received the concurrence of the house of lords[e]. It was shortly after this that the common council, in answer to a message from both houses, expressed their acknowledgements for the favour done to them in the communication of these votes, and their unanimous resolution to live and die with the parliament, in conformity to the covenant[f].

Glyn and others discharged from confinement.

Encouraged by the present tone of good understanding between the city and the parliament, a petition was presented to both houses from the common council on the twenty-third of May, praying for the release of the aldermen, the recorder, and other citizens, now shut up in the Tower and different prisons, for the part they had taken in the force put on the house of commons in the preceding July; and that house immediately proceeded in compliance to vote the discharge of Glyn, the recorder, Copley, another member also imprisoned in the Tower, and seven persons of inferior note[g].

The eleven members, seven lords, the lord-mayor, and three aldermen, discharged.

On the third of June the lord-mayor and corporation submitted to the house of commons the letters they had received from the insurgents in Kent, desiring their concurrence and cooperation. The city professed their readiness to submit the whole

[d] Journals of Commons. [e] Journals of Lords, May 6.
[f] Journals, May 18, 19, 20. See above, p. 534, 535. [g] Journals.

business to the wisdom of parliament; and the house, being, as Whitlocke expresses it[h], in good humour towards the corporation, immediately came to the decision, that the ex-lord-mayor and three aldermen, now prisoners in the Tower, should be discharged from their impeachment. At the same time they came to a similar vote respecting the eleven members of the house of commons, and the seven lords, who were under a similar accusation[i]. These votes were, three days after, confirmed by the house of lords[i].

Additions to the committee of executive government.

Nearly at the same period a vote was adopted by the two houses, which originated with the independents, for increasing the committee at Derby House with the addition of six peers, and twelve members of the house of commons. The additional members were the earls of Pembroke, Salisbury, Denbigh and Mulgrave, with lord North and lord Howard of Escrick; and the commoners, viscount Lisle, viscount Cranborn, sir Harbottle Grimston, sir William Masham, sir Richard Onslow, sir John Danvers, sir John Trevor, general Skippon, colonel Edward Rossiter, Edmund Prideaux, John Swinfen, and Francis Rous[k]. This enlargement did nor materially alter the complexion of the committee, the majority of the additional, as well as of the original members, were of the independent

[h] Whitlocke, June 3. [i] Journals.

[k] Journals of Commons, May 30.

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party. It has been observed that the committee, as now constituted, comprehended nearly the whole of the sitting members of the house of lords: and, at all events, this increase of its numbers rendered it extremely difficult to change its character without an essential alteration in its construction: not to say, that this additional weight of character and ability, the committee now including twenty-six of the most considerable commoners, would give them an influence in the house, which would in many cases be almost irresistible[1].

Slow advances of the treaty with the king.

The vote for reopening the treaty with the king remained nearly a month ineffective, no further step during that time having been taken on the subject. The presbyterians were desirous of acting with consistency, and were unwilling to forfeit that character as friends to political freedom, which they had acquired in the beginning of the war, of which they had been the original authors. They saw the perilous situ ation in which they were placed, between the republicans on the one hand, and the cavaliers, the friends of absolute and unlimited monarchy, on the other. Towards the end of May however they felt it necessary to be no longer wholly inactive; and they proposed and carried a vote, that, previously to the commencement of a treaty with the king, he should be required to consent to three proposi-

Three preliminaries voted.

[1] Clement Walker, § 93.

tions: first, for the establishment of presbyterian church-government for three years; secondly, for vesting the military power in the two houses of parliament for ten years; and thirdly, for recalling and making void all declarations issued by the king against the two houses of parliament during the war. These preliminaries being fixed, the parliament declared itself ready to treat with the king upon all other particulars relating to the full settlement of government, and the establishment of a well-grounded and lasting peace[m].

Causes of delay on the part of the presbyterians.

There was another ground, which probably contributed to render the presbyterian party in parliament wary and cautious in these advances towards a treaty. Charles was at present buoyed up with the expectation of the most favourable results for restoring him in full regal elevation and authority, from the various commotions and preparations for war which were reported from every side. He never seemed to himself at the end of his resources. In the darkest sky he always perceived a small glimmering of sunshine at a distance, which he fervently trusted would terminate in the entire splendour of absolute monarchy. There was therefore great hazard, if unpalatable terms were too precipitately offered him, that in the heat and haughtiness of his spirit, he might

[m] Journals of Commons, May 21, 26, 27, 30, June 6. of Lords, May 30, June 6.

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return some answer that might tend to shut the door against reconciliation. Such an answer would powerfully contribute to strengthen the hands of their adversaries, the republicans. The presbyterians in parliament particularly wished to carry along with them the full concurrence of the government and parliament of Scotland, in which case they believed that neither the king nor the independents would be able to oppose to them any effectual resistance. The same reasons which made the presbyterians tardy in their advances towards a treaty, prevented what we may now call the minority in parliament, from being earnest in opposing it.

Difference between the two houses.

Towards the end of June a question was proposed in the house of commons, that a committee should be appointed to consider what parliament had done towards settling a peace, and what was further to be done, and respecting a time, place, and other circumstances, in relation to the negociating a treaty [n]. Nine lords and twenty commoners were named to be members of this committee [o]; and here, from whatever cause, from real variety of opinion, or from policy only, a difference arose between the two houses which occupied one month longer before it was settled. The house of lords voted, that the three propositions respecting

[n] Journals of Commons, June 23.

[o] Journals of Lords, June 26. of Commons, June 27.

church-government, the military power, and the revoking of declarations, should not be insisted on as preliminaries to a treaty [p], while the commons adhered to the plan of negociation they had originally proposed [q]. It may be worth mentioning, that, in the course of these debates, Scot, one of the most strenuous and determined of the republican party, is reported to have said, that, as to the time of the treaty, he was of opinion that there could be no time seasonable for a personal treaty with so perfidious and implacable a prince; it would always be too soon or too late [r].

Vote of no quarter.

A short while before this, a question was moved in the house of commons, that all persons who took arms against the parliament, were traitors by the fundamental laws of the kingdom, and should suffer the penalties of treason [s]. This resolution was first negatived by the house of lords, but afterwards acceded to [t]. The measure must be considered as having originated with the independents.

Petition from the city for a personal treaty.

On the twenty-seventh of June a petition was presented from the common council to both houses of parliament, praying that a personal treaty with the king might forthwith be entered into, in Lon-

[p] Journals of Lords, June 30.

[q] Journals of Commons, July 3.

[r] Clement Walker, Part I, § 97.

[s] Journals, June 14.

[t] Journals of Lords, June 17, 20. See above, p. 520.

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don, or some such other convenient place, as might be most for the honour and safety of the royal person, and that the kingdom of Scotland might be invited to take part in the treaty [u]. In compliance with this petition, the lords voted a few days after, that London should be the place in which the treaty was to be commenced [w]. Meanwhile the discussion still subsisting between the two houses respecting the three preliminary propositions, was a bar to all further progress being made in the business.

Lords vote that London shall be the place of treaty.

Skippon goes over to the independents.

An expedient was resorted to at this time by the party of the independents, which was intended as a check upon the overpowering influence of the presbyterians in the corporation of the city of London. The partisans of more liberal principles were in fact numerous in the metropolis, though the adherents of presbyterianism had engrossed in their own hands the power of the corporation. General Skippon was the instrument employed on this occasion. This distinguished officer had hitherto been considered as moderate and disengaged in matters of party; at the same time that his connections had principally lain among the presbyterians. He was a man considerably advanced in life, and of venerable appearance; and, as his speech and manners bore strongly the marks of sincerity, earnestness of purpose, and benevolence

[u] Journals of Lords. [w] Ibid. July 5.

of heart, he had always engrossed a high degree of popular favour. When, in the preceding year, the presbyterian leaders had been desirous to bring over the army to comply with their measures in parliament, Skippon had more than once been sent down to head-quarters to endeavour to soften their obstinacy of purpose. And now Vane and St. John in like manner applied themselves to him, to wean him from his presbyterian connections. Their knowledge of the human heart, and their powers of persuasion were of no common order; and they succeeded in convincing Skippon that the measures of the presbyterians could lead to no good end, and that a treaty with the king would be destructive of all those purposes for which the nation had fought, and bled, and conquered.

He is authorised to enlist men for the defence of the metropolis.

Skippon was highly popular in the city of London; and, when in the close of April a reconciliation had taken place between the parliament and the corporation, he was, at the express desire of the common council, appointed by parliament to command the militia of London and the environs. When therefore the insurrection of the duke of Buckingham broke out in the beginning of July, Skippon was named, on the motion of the independents, to raise a regiment of horse for the immediate defence of the parliament and the metropolis[x]. This measure for some time seemed

[x] Journals of Commons, July 3.

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to awaken no jealousy. Two days after, an order was made for him to enlist such persons as should offer themselves, either as horse or foot for the same purposes [y]. These orders received also the sanction of the house of lords [z]. But it was presently found, that the individuals enlisting themselves under the authority of these votes, were sectaries and others, persons whose views and intentions by no means coincided with those of the corporation. It was then observed, that these volunteers, though ranged under the same commander as the city-militia, were not subjected to the control of the city-committee. From hence originated an obstinate contention between the common council and the house of commons, and afterwards between the latter and the house of lords, who revoked their consent to Skippon's extended commission [a]; till at length the commons seem to have found it necessary to yield the point in debate [b]. In proportion as the regular army drew nearer to the metropolis, this became a question of comparatively little importance.

His commission for this purpose revoked.

Reliance of the presbyterians on the success of the Scottish invasion.

The duke of Hamilton entered England on the eighth of July. This had been an event upon which the English presbyterians had fixed their expectations, as the main stay and central point of

[y] Ibid. July 5.
[z] Journals of Lords, July 12.
[a] Journals of Lords, July 22.
[b] Journals of Commons, Aug. 15.

all their prospects and hopes. They had originally entered upon their contention with the crown, in concert with the majority of the Scottish nation, whose creed and whose purposes coincided with their own. Now, that they had a double battle to fight, against the intrigues of despotism and episcopacy on the one hand, and the formidable hostility of the sectaries on the other, they conceived that nothing could so safely lead them out of all the perils with which they were environed, as the cooperation of the Scottish parliament and a Scottish army.

Jealousies excited against Hamilton.

All these fair hopes were tarnished in the first instance by the too subtle politics of the leader of the predominant party in the northern parliament, and general of the northern army, the duke of Hamilton, which were equally fatal to his royal master, and to the whole body of the presbyterians. Desirous of rendering the most effectual service to Charles, and of triumphantly executing the commission with which he was intrusted, he refused no assistance that could tend to swell the numbers of those commanded. He allied himself with sir Marmaduke Langdale, sir Philip Musgrave and others, the most determined royalists and episcopalians that could any where be found. He encouraged them to surprise Berwick and Carlisle, to march their body of English malcontents though Cumberland and Westmorland, and thus to stimulate the exertions of the unqualified

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partisans of royalty in every part of the kingdom. When at this time he passed the English borders, the forces under Langdale formed the advanced guard of his army.

Scottish invaders voted enemies.

The consequence of all this was, that Hamilton no sooner entered the kingdom, than the independents moved in the house of commons, that the forces which are now come out of Scotland into England in a hostile manner, having done so without authority from the English parliament, are enemies, and that all the English that shall adhere to them are rebels and traitors [c]. This by the ambiguity of Hamilton's conduct was rendered a trying question to the presbyterians: even the presbyterian leaders were compelled to pause, and to enquire whether the result of a defeat of the English army would ultimately be a triumph to themselves, or to the party against which the civil war had first been directed. For this and other reasons the motion condemning the invading army was carried, a minority of ninety and upwards having voted against the proposition [d]. The vote, being sent up to the house of lords, was twice taken under consideration, and twice rejected [e].

[c] Journals of Commons, July 14.

[d] Rushworth, p. 1354. This at least seems to be clearly an instance, in which a division took place in the house of commons, without any trace of it appearing in the Journals.

[e] Journals, July 18, 21.

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The party in the house of commons that had moved to declare Hamilton and his followers enemies, had the same day followed up that motion with a vote, that reinforcements should be immediately forwarded by the committee of Derby House to Lambert for the service of the affairs of the north[f]. Three days later they voted money for the same purpose[g]; and on the twenty-fifth further reinforcements[g]. On the other hand the house of lords with perfect consistency passed a resolution for expediting the treaty with the king, and in the mean time for considering of some expedient for preventing the two kingdoms from being involved in bloodshed and war[h].

Orders to reinforce the troops of Lambert.

The committee of Derby House, whose members were bound by an oath of secrecy, and whose proceedings therefore, though there were some determined presbyterians among them, while the greater part were independents, could not without breach of duty be divulged, had dispatched orders to Cromwel, so early as the ninth of June, to send what forces he could spare into the north, and either to go with them himself, or send such a commander as he should think fit[i]. Pembroke having surrendered on the eleventh of July, they sent him fresh orders on the eighteenth

Cromwel ordered to march against Hamilton.

[f] Journals, July 14.
[g] Journals.
[h] Journals, July 21.
[i] Letter-Book of the Committee of Derby House.

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to march his army into the north [k]. These orders were shortly after confirmed by votes of the house of commons, they seeming to have scarcely the alternative left of doing less[l].

[k] Letter-Book of the Committee of Derby House.

[l] Journals, July 28, 29.

CHAPTER XXI.

IMPEACHMENT OF CROMWEL PROPOSED.—HOLLIS RESUMES HIS SEAT IN PARLIAMENT.—NATURE OF CHARLES'S IMPRISONMENT.—HE ATTEMPTS TO ESCAPE.

1648. Treaty with the king prosecuted in earnest.

THE presbyterians in parliament were now at last driven to apply themselves in earnest to the treaty with the king. They had feared to open it earlier, lest, while the standard of war was raising by his determined partisans in one place after another throughout the kingdom, they might find him inaccessible to such proposals, as they deemed indispensible to the national welfare, and to the preservation of their own character and consistency. Now, the spirit of resistance was almost wholly quelled. Nothing remained but the surrender of Colchester that was expected every day, and the defeat of Hamilton's army by Cromwel, which was not improbable; and there would then remain not one warlike weapon raised against the present government, from one end of the kingdom to the other.

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1648. Advantages possessed by the presbyterians in the treaty.

They deemed therefore that they should have easy work with the king. He had scarcely one adherent left, who had any power to help him. He had suffered the evils and privations of a sequestered imprisonment for many months. There were but two parties remaining in England, who appeared to have the power of effecting any thing. The independents had thrown off the mask, had consulted how to bring him to public trial and cut off his head, and had begun the year with passing votes, making it treason to hold any further communication with him. He had therefore no alternative left, as they thought, but to throw himself without reserve into the hands of the presbyterians, who had scarcely entertained any personal animosity against him, and who were desirous, as they phrased it, of making him once more a glorious king. It was for his life: and who would believe that in so perilous a situation he would chuse the scaffold, and reject the throne?

Disadvantages of the independents.

Thus, the presbyterians imagined, they stood in an enviable situation. They would have to say to the nation, Behold the treaty we have made: the king has at length solemnly subscribed to the conditions, which we so often called upon him to yield, and he as often refused! "The king's name is a tower of strength;" and they would have to present to the nation him who had been so long hid from their eyes. The church-establishment of England was presbyterian; the

beneficed clergy were nearly all presbyterian; and the people were well disposed towards that form of discipline and worship. A great part of the nation was partial to monarchy; for such had been the institute of their ancestors for revolving centuries, and the mixed mass of mankind are reluctant to walk in untried paths. Thus circumstanced, what could the opposite party do? It would be found that, with all their victories, they had only secured a triumph for the presbyterians. It is true, they had arms in their hands, and were deservedly famed for their discipline and prowess. It was well known by their enemies, whatever might have been talked on the subject, that they were not formed for assassins. And, however formidable in the field, could they bring the king to trial and public execution, as they had planned, in the face of the two houses of parliament, of the great body of the clergy, of a treaty exhibiting the most unexceptionable terms, and of a satisfied nation?

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Isle of Wight named as the place of treaty

Influenced by these views, the presbyterian party in the house of commons were anxious to remove those obstacles which had hitherto prevented the opening the treaty. On the seventeenth of July it was voted, that, the king having first consented to the preliminary propositions, he should be desired to name three places within twenty miles of the city of Westminster, where the treaty should be held, and that then the two

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houses of parliament would select one out of these three [a]. But, finding that the lords were still pertinacious in rejecting the preliminaries, the commons towards the end of the month agreed to wave that particular [b]. Coupled with this vote, they decided that the treaty should be in the isle of Wight [b]. This alteration, it was understood, originated with the independents, and was perhaps the condition of their admitting a treaty. As long as the king was in the island, they conceived that he was in the power of the army, and might suddenly be disposed of by the military council at their pleasure. If he had been brought to London, or even to any place near it, his immediate personal custody, in the present disposition of the corporation, might have been in the city-militia, and in the persons most hostile to the army. And to the choice of this remoter place of treating, the presbyterians, it seems, were obliged to yield.

Sentiments of the independents.

The same state of affairs that rendered the presbyterians sanguine as to the prosperous conclusion of the treaty, gave boldness to the independents. They certainly did not intend, by all the victories they had gained, to do no more than secure the triumph of their adversaries. They hated the presbyterians, nearly as much as they hated the royalists. They regarded with no particular partiality

[a] Journals of Commons. [b] Ibid. July 28.

the government of the church by classes and ecclesiastical assemblies. What they had fought for was liberty; and they prized religious liberty fully as much as political. If they allowed the memorable struggle, which had now continued for more than seven years, to terminate in the restoration of a perfidious king, the establishment of an exclusive and intolerant presbytery, and the extirpation of sects, they would have thought themselves delinquents to their contemporaries, and worthy of censure and reproach to ages to come. In these sentiments the independents were united: but in their views of the conduct it became them to observe they differed, in proportion to the wary and concentrated temper of some, and the eagerness and intemperance of the habits of others.

Impatience of Ludlow.

It was probably some time in July, that the impatient Ludlow flew to Colchester, to expostulate with the military officers engaged in the siege of that place, and particularly with Ireton, for whom he entertained the utmost attachment and deference, upon the present situation of the kingdom. He conceived that the thing indispensible to be done was, that the army should use the power they possessed, as they had done last year, or in a more decisive manner, if necessary, to prevent the consummation of the impending evil; and that there was no time to be lost. Ireton admitted that such a remedy might become indispensible, but alleged that it ought to be deferred

Cautious suggestions of Ireton.

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for the present. The better way was to allow the king and the presbyterians to come to a full agreement: it would then be seen what sort of a treaty they made: the people would feel that they were betrayed, and would applaud and bless that interposition of the army, which was required to turn aside the most pernicious consequences [c].

Impeachment of Cromwel proposed.

The presbyterians having carried the vote for opening a treaty, one of their next attempts was for the removal of Cromwel, whom they regarded as beyond doubt their most formidable enemy. For this purpose they had recourse to Huntington, major to Cromwel's own regiment, and who for a time had been one of his most chosen instruments, but afterwards became his adversary, and who then carried himself so plausibly towards the king, that Berkeley says he was the only officer of the army in whom Charles thought he could safely confide [d]. This man presented on the second of August a narrative to the house of lords, stating reasons for resigning his commission, and describing Cromwel as treacherous alike to the king and the parliament. In such a narrative we must expect to find many falshoods intermixed; and among other things Huntington affirms that Cromwel had told him, that from the tumult in July 1647 occasion should be taken, to hang the recorder, and four aldermen who were implicated in the affair [e].

[c] Ludlow, p. 263. [d] Berkeley, p. 17. [e] Journals.

This paper was first submitted to the lords, because that house was at this time almost wholly presbyterian. But the attempt was altogether hasty and crude. It was surely sufficiently odious and dishonourable, that, at the very moment that Cromwel was under orders from the house of commons to march against Hamilton, and was already considerably advanced on his way, a project should be entertained, which, if successful, must terminate, in its mildest form, in expelling him with disgrace from the army. But such had been the schemes which were from time to time formed by the presbyterians against this commander. Various steps were taken on this paper in the house of lords. It was read: major Huntington was called upon first to attest, and then to swear to, its truth: a committee was appointed to draw up some observations upon it, to be delivered at a conference to the house of commons [f]. But here the matter dropped. The victory of Preston, gained about a fortnight after the production of the narrative, probably was the cause that made it hopeless to proceed.

1648. Impolicy of the attempt.

On the fourth of August three commissioners from the two houses of parliament set out for the isle of Wight to acquaint the king with their resolutions for entering on a treaty; and ten days after they brought back Charles's answer [g]. The

Hollis resumes his seat in parliament.

[f] Ibid. Aug. 3, 5, 8, 11, 16.

[g] Rushworth, p. 1216, 1225.

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affair being now seriously to be commenced, the presbyterians were earnest that Hollis, who had so often been considered as their leader, might assist in their deliberations. He had been on the continent ever since his expulsion from parliament twelve months before, and in his exile had written his Memoirs, published in the year 1699. He is even said to have visited the queen in Paris [h]. Yielding on the present occasion to the earnest intreaties of his friends, he took his seat in the house of commons on the very day that the king's answer was received [i].

Temper of the different parties to the treaty.

It was the purpose of the independents that no treaty should be concluded between the king and the parliament. Delay had a short while ago been the object of all parties;—of the presbyterians, because they did not think the king sufficiently humbled—of the king, because he hoped for restoration in a different mode—of the independents, because they were decidedly hostile to a treaty, and were not strong enough to bring parliament to vote its rejection. At this time the presbyterians, and they only, had altered their mind. They thought that the time was come, when a treaty might be fully realised; and they felt the necessity of its being completed, before the army, relieved of enemies in the field, should have leisure to direct their exclusive attention to the internal

[h] Hutchinson, Vol. II, p. 147. Rushworth, p. 1226.

politics of the state. As to the king, as we shall presently see, he still clung to the idea of being restored to his authority, without being indebted to either of the parties that had successively stood in array against him.

Artificial delays of the independents.

As the presbyterians were desirous of concluding the treaty with all practicable speed, that they might anticipate the approach of the army, so the independents were bent to procrastinate the negociation, that they might give time for that approach. Their first expedient for that purpose was debate; and this expedient had been gradually ripened in the course of the dissentions. At their commencement, and still for the most part, it had been the custom of parliament to sit twice a day, at nine in the morning, and again, for an afternoon sitting, at two. To accomplish this the debates must be of moderate length. But that mode on extraordinary occasions was dispensed with. On the fourth of December in the present year the house of commons sat all night in debate, and the division with which it was closed did not take place till five in the morning[k].

Treaty opened by the parliamentary commissioners.

The king's answer, as we have said, to the message of both houses, was delivered to the lords on the fourteenth of August[l]. The next day six resolutions were voted by that house as preparatory to the treaty[l]. But it was otherwise in the

[k] See below, Chap. XXIII.

[l] Journals.

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commons. The debate on these votes in that house occupied five days, from the seventeenth to the twenty-second. A letter was then written to the king on the twenty-fifth, announcing the votes of both houses [m]; and his answer, inclosing a list of the persons he desired should attend upon him during the treaty, was received on the twenty-ninth [m]. The commissioners appointed to conduct the treaty, were named on the first of September; on the part of the lords, the earls of Northumberland, Pembroke, Salisbury and Middlesex, with viscount Say; and for the commons, Hollis, Glyn, Vane, Thomas viscount Wenman of the kingdom of Ireland, sir Harbottle Grimston, sir John Potts, Pierrepoint, Samuel Browne, Crewe and Bulkeley [m]. Another letter was then to be written to the king [n], and his answer expected: so that the commissioners did not finally reach the isle of Wight till the fifteenth; and the treaty was opened on the eighteenth of September [o].

Nature of Charles's imprisonment.

The king had been now ever since the twenty-ninth of December 1647 in a species of close confinement; and, erroneous ideas having been formed as to the nature of this confinement, it seems proper to correct them. It is thus described by Hume, who has gone to the furthest extreme on the subject. "No sooner had the king refused the four

[m] Journals. [n] Journals, Sept. 2.

[o] Journals of Lords, Sept. 20, 23.

bills, than Hammond, by orders from the army, removed all his servants, cut off his correspondence with his friends, and shut him up in close confinement. The king afterwards shewed to sir Philip Warwick a decrepid old man, who, he said, was employed to kindle his fire, and was the best company he enjoyed during the several months that this rigorous confinement lasted. No amusement was allowed him, nor society, which might relieve his anxious thoughts: to be speedily poisoned or assassinated was the only prospect which he had every moment before his eyes; for he entertained no apprehension of a judicial sentence and execution." Again: "The moment his servants were removed, he laid aside all care of his person, and allowed his beard and hair to grow, and to hang dishevelled and neglected."

Place of his confinement.

The facts differ in no inconsiderable degree from this statement. The king was confined to Carisbrook Castle, and the lines without the castle, though within the works; a place sufficiently large and convenient for walking and good air, having a delightful prospect both by sea and land. The barbican, a spacious parading ground within the lines, was converted into an admirable bowling-green, to accommodate him with his favourite amusement[p]. His principal attendants were Herbert, his historian, and Harrington, author of the Oceana,

His attendants.

[p] Herbert, p. 42.

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named for that purpose by the parliament [p], both of whom from the equability of his temper contracted an attachment to him. Nor had he any want of attendants, since Osborne, presently to be mentioned, was appointed to hold his gloves for him while he dined [q]. He amused himself morning and afternoon with walks and bowling; and, after meals, would take "many turns in the presence-chamber," disputing with the governor's chaplain about episcopacy and church-ceremonies, and in other pleasant discourse. He had also his set times for writing and reading, Herbert having made him a catalogue of his books, some that he loved best being enumerated in the Memoirs [r].—When therefore he complained to Warwick, that an "old little crumpling man that lighted his fire, was the best companion he had for months [s]," he must have meant that this old man was a consummate royalist, while those who were placed about him by the parliament were always regarded by him with an eye of suspicion.

His occupations and amusements.

To understand the king's probable feeling in his present confinement, we must compare the different degrees of restraint to which he had been subjected at different times. At Hampton Court he was the most advantageously circumstanced; the appearance of a court having been kept up there,

Different degrees of restraint he had suffered at different places.

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[p] Herbert p. 42.
[q] Clarendon, Vol. III, p. 231.
[r] Herbert, p. 42, 43, 67.
[s] Warwick, p. 329.

every one having access to him that he wished to admit, his friends and his chaplains; and every thing that shewed like imprisonment being carefully kept out of sight. At Newcastle, while he was with the Scots, they were cautious as to who were admitted to him: but it was an open town: and he was attended by generals and lords, though of the enemy, a circumstance not indifferent to the pride of a king. At Holdenby, royalists, and his chaplains, were rigorously excluded; but he was attended by the commissioners of either house of parliament. His situation at Carisbrook was one degree worse than this. At Holdenby he was regarded as a king, whose functions were suspended. At Carisbrook the plan of his imprisonment was as of a man who was never again to ascend a throne; but he was treated with scrupulous forbearance, humanity, and courtesy. And, as to the preservation of his person from poison, or any similar design, the king is related to have said, that he was so confident of the faithfulness of the governor, that he thought himself as safe in his hands, as if he were in the custody of his own son[t].

His projects for escaping.

But, however mild was his imprisonment, Charles, who was always sanguine as to the means by which his affairs might be restored, naturally wished to be at large. May was the period that looked most prosperous to his cause. It was

[t] Whitlocke, July 15. Rushworth, p. 1191.

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towards the end of that month that the insurgents in Kent advanced to Blackheath, and the fleet in the Downs revolted from the parliament. The earl of Holland was prepared to rise in arms, near, or if possible in, the metropolis; and Hamilton was expected every day south of the Tweed. If the king at such a moment could have shewn himself at the head of any of these hostile parties, it would certainly have afforded the highest encouragement to his adherents; and the fleet in particular afforded such facilities for covering his retreat, as could have arisen from no other cause.

An attempt for escaping miscarries.

It was at this period that the king had very nearly effected his escape from Carisbrook Castle. The time fixed was the night of the twenty-eighth of May. He had already, by the application of *aqua fortis*, divided, and afterwards removed, one of the bars of the window of his bedchamber, and was prepared to descend. Horses were ready, and a boat to convey him to the main land. But one of the soldiers who had been trusted with the enterprise, gave information to Hammond, the governor. And the king, discerning from his window that an unusual guard was planted on the platform below, desisted from his undertaking. Osborne, the gentleman-usher appointed by the parliament, who had mainly assisted the king in the design, made good his retreat from the island[u];

[u] Journals of Lords, June 1. Clarendon, Vol. III, p. 231, *et seqq.*

and, the better to insure his own safety, brought an accusation against the officer on duty, that he had a design to assassinate Charles. But the grand jury of the county, to whom the accusation was referred, refused to find a bill [w].

Not favoured by his exiled subjects.

The prince soon after took the command of the revolted ships, and sailed along the western coast of England from Deal to Yarmouth, touching at various places, and landing his troops to the amount of five hundred men. The king daily expected when they would appear off the isle, and demand his person from the governor, an enterprise which seemed to invite them to undertake it. But he looked for them in vain. Clarendon says, it cannot be imagined how wonderfully some of the English in France feared his escape; adding, this without doubt was not from want of tenderness for his safety, but out of an apprehension that the little respect he would have received from that court, would have been a greater mortification to him than all he could suffer in the closest imprisonment [x]. And, in his letters written at the time, this statesman more than once confesses that he fears nothing more than some stratagem for the king's escape [y]; adding, Let him resolve to die a king, if he is not suffered to live one [z].

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[w] Journals of Commons, Aug. 31. The king himself gave no credit to the report. Sanderson, History of Charles, p. 1068.

[x] Clarendon, Vol. III, p. 230.

[y] Clarendon, State Papers, Vol. II, p. 341, 348. [z] Ibid. p. 388.

CHAPTER XXII.

NEGOCIATIONS IN THE ISLE OF WIGHT.—DELAYS WITH WHICH THEY ARE ATTENDED.—INSINCERITY OF THE KING.—HIS PROJECTS TO ESCAPE.—APPOINTMENT OF JUDGES.

BOOK II.

1648. Form of the negociation.

THE period limited by parliament for the duration of the treaty was forty days, counting from the eighteenth of September [a]; and the king was called upon to give his word that he would not quit the isle of Wight, during the treaty, nor for twenty days afterwards [b]. Charles was allowed for the most part the assistance of the advisers he had himself selected: the duke of Richmond, the marquis of Hertford, and the earls of Lindsey and Southampton; of the clergy, Juxon, Duppa, Sanderson, Turner and Heywood (Sheldon and Hammond were refused, as being under confinement); of lawyers, sir Thomas Gardiner, sir Orlando Bridgman, Jeffery Palmer; and many others [c]. The place assigned to these persons was to stand behind the royal chair, while the parliamentary commissioners sat at a table before the king.

[a] Journals of Lords, Sept. 4. [b] Ibid. Aug. 24.
[c] Ibid. Sept. 2.

Charles's assistants were not allowed to mix in the debate; but, when any question occurred that seemed to require their advice, he withdrew, and consulted them [d].

Order of the propositions.

The first propositions submitted to the king, were precisely those which the house of commons had selected to be consented to previous to a treaty, the revocation of Charles's declarations against the parliament, the military power, and the church. To these were added, the proposition on Ireland, that respecting peers created after the removal of the great seal, and the proposition concerning delinquents.

Extraordinary position of the king and the parliament.

It is not unworthy of remark to consider the singular situation in which the king and the parliament were placed by this negociation. The practice of the English constitution has been for the two houses to originate and digest the substance and form of a law, to which it is necessary before it has the force of a statute, that the executive magistrate should annex his consent. He is also considered as having the power of refusing his consent, or pronouncing a negative; though, in the history of parliaments, this seems to be a power that is regarded rather as theoretically existing, than as being expected in any case to be actually used. But, in the treaty now depending, we see the king and the commissioners of the two houses

[d] Herbert, p. 72. Warwick, p. 322.

BOOK II. 1648.

sitting in council to dissect and discuss one by one the provisions of a law. In several instances in the course of the negociation we meet with ordinances actually passed from time to time by the two houses of parliament, and which only wanted the royal assent to give them, according to the practice of the English constitution, the entire force of statutes. Upon these ordinances thus passed, we see the king sitting in judgment, and saying, This provision does not meet my approbation, and this clause ought to have been expressed in a different manner. Such was the gulph into which the presbyterians plunged their country. In the immediately preceding instances it had been expressly decided, that certain propositions should be tendered to the king for his assent, but that there should be no treaty.

Insincerity of the king.

These speculations however are less essential in the present case, as there is the fullest proof that the king had resolved that the treaty should never come to a regular conclusion. His letters to sir William Hopkins give a satisfactory light on this question [e]. From these letters it appears that in

[e] They are printed in the Appendix to the Third Edition of Wagstaff's Vindication of the Royal Martyr. Charles's anonymous correspondent is mentioned to have been sir William Hopkins by Birch, in a note to the Letters of Colonel Hammond and Others, published by him, p. 49. That such was the fact may also be inferred, from the petition prefixed to the letters by Wagstaff himself.

the July preceding the treaty Charles had formed a plan of escape, which did not take place. In August he gives his opinion that this will be a mock treaty, and persists in his plan.—To return to the negociation. 1648.

On the eighteenth of September the commissioners presented their first proposition, which was conceived in these terms: "Whereas both houses of parliament have been necessitated to undertake a war in their just and lawful defence, and the kingdom has entered into a solemn league and covenant to prosecute the same, all declarations, &c, against the parliament and its adherents, shall be declared null and forbidden [f]." The king immediately signified his consent to the substance of this proposition: but it was one week before he would pass the preamble, declaring the war on the part of the parliament to be just; and then only with a proviso, that this admission should not be considered as binding till the conclusion of the whole treaty [g]. He assents to the first proposition. Condition annexed to his assent.

On the same day on which this admission was given, the commissioners presented the second proposition on the church. This proposition consisted of several parts, the abolition of episcopacy, the sale of bishops' lands, the new system of church-government, and the covenant [h]. To this The second proposition.

[f] Journals of Lords, Sept. 23. [g] Ibid. Sept. 26.
[h] Ibid. Oct. 2.

BOOK II. 1648.

the king gave a very imperfect and mutilated answer. He consented to the form of church-government for three years, and the leasing out of the bishops' lands for ninety-nine years, instead of their total alienation; but took no notice of the abolition of episcopacy, or of the covenant[i].

Debates that arose.

The whole of the negociation was accompanied with very copious debates, in which the king, though allowed to withdraw and consult as often as he pleased with his chosen advisers, was yet the only speaker on his side of the argument. We can scarcely suppose that he enlarged himself in speaking, so much as the commissioners appear to have done, who were some of them chosen from among the ablest and most highly gifted debaters the parliament could supply. But he certainly, so far as composure and readiness were concerned, acquitted himself in a creditable manner. The earl of Salisbury observed, that he was wonderfully improved[k]: and sir Henry Vane said, they had been much deceived in him; they had believed him to be a weak person, but they found him a man of great parts and abilities[l].

Their protracted nature.

Those who were presbyterians among the commissioners, now discovered to their exceeding dismay, that they had been greatly mistaken as to the result of the treaty. They had deferred it as

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[i] Journals of Lords, Oct. 11.
[k] Warwick, p. 324.
[l] Sir Edward Walker, p. 319.

CHAP. XXII.

1648.

long as they could, hoping to find the spirit of the king prostrated by his long imprisonment, and by the continual series of disasters to his party that had marked the present year. On the contrary he stood before them erect and inflexible, no whit subdued by all that had befallen him, but ready to fight all the battles of theology, of logic, and of law, that the present debate spread out before him [m]. He was calculating it should seem upon the certainty of an escape from the island, and thought only how he could protract the negociation, and in the mean time avoid tarnishing his creed by making one concession that it was possible to elude. They were calculating the march of Cromwel, Fairfax and Ireton, Colchester having surrendered before the close of August, and Cromwel being at Edinburgh early in October. They deeply felt, that if the treaty were not concluded before the return of the army, there would be no

Delays sought by the king.

[m] This is certainly to be understood with considerable allowance. Vane and Salisbury pronounced him from what passed on this occasion a man of great parts, and said that he was wonderfully improved. But things are great or little by comparison: Vane acknowledged that "they had believed him to be a weak person." And one of his earliest historians, sir Hamond L'Estrange, says, "His words came with difficulty from him, which rendered him indisposed to speak much. And, though his vocal impediment accompanied him till the fatal stroke, yet it was to wise men an index of his wisdom, since there was never, or very rarely known a fool that stammered." Reign of King Charles, Disposed into Annalls, p. 1, 2.

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1648. Intreaties used by some of the commissioners.

treaty. They threw themselves on their knees before the king, with tears in their eyes, intreating his compliance, and that he would on no account protract the negociation [n]; while he, who entertained a longer, a deeper, and more unintermitted hate against the presbyterians than even against the independents, amused himself with the perplexities and terrors under which they laboured.

Other propositions.

Finding that they gained no ground with the king on the question of the church, the commissioners proceeded on the ninth of October to lay before him the proposition respecting the military power, and the one concerning Ireland [o]. On the twelfth they presented the proposition respecting peers created since the removal of the great seal by lord keeper Littleton in 1642, and on the thirteenth the proposition concerning delinquents [p]. To the proposition on the military power the king signified his assent on the day on which it was delivered; and, shortly after, to the propositions respecting Ireland, and respecting the peers recently created. The proposition concerning the nomination of the chief officers of the kingdom by the two houses of parliament, presented on the twenty-first, experienced no greater difficulty [q]. The king, having secretly determined there should be no treaty, deliberated with himself which were

King assents to several.

His policy.

[n] Whitlocke, Oct. 2.

[o] Journals of Lords, Oct. 11. Ibid. Oct. 13.

[p] Ibid. Oct. 17. [q] Ibid. Oct. 24.

the points, concerning which it would be most becoming to his character to have the longest demur. Those on which he fixed were the proposition respecting delinquents, and that of the church. As to delinquents, he finally consented that seven persons (the earl of Newcastle, lord Digby, sir Marmaduke Langdale, sir Richard Grenville, sir Francis Doddington, sir John Byron, and judge Jenkins), excepted from pardon, should absent themselves from the kingdom, desiring in the mean while that they might be admitted to compound for their estates [r]: but on the question of the church he would make no further concession, except to consent to an act for the abolishing of archbishops and the rest of the hierarchy, with a reserve of the order of bishops only [s].

Article respecting delinquents.

His various subterfuges

On the day on which the king assented to the proposition concerning the military power, he wrote to sir William Hopkins a letter, saying, "To deal freely with you, the great concession I made this day was merely in order to my escape, of which if I had not hope, I would not have done it. For then I could have returned to my strait prison without reluctancy; but now I confess it would break my heart, having done that which only an escape can justify [t]." The next day he wrote to Ormond, who had lately again landed in

[r] Ibid. Dec. 1.

[s] Ibid. Oct. 24.

[t] Wagstaff, Appendix, p. 161.

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Ireland: "Wherefore I must command you two things; first, to obey all my wife's commands; then, not to obey any public commands of mine, until I send you word that I am free from restraint. Lastly, be not startled at my great concessions concerning Ireland; for they will come to nothing[u]." And again, towards the end of the month: "This is not only to confirm the contents of the former, but also to approve of certain commands to you; likewise to command you to prosecute certain instructions, until I shall under my own hand give you other commands. And, though you will hear that this treaty is near, or at least most likely to be, concluded, yet believe it not; but pursue the way you are in with all possible vigour. Deliver also that my command to all your friends, but not in a public way[w]." Secured by these precautions, the king yielded to the importunity of the commissioners, and dictated a public letter to Ormond, forbidding him to proceed, "Forasmuch as we are now engaged in a treaty with our two houses, wherein we have made such large concessions, as we hope will prove the foundation of a blessed peace[x]."

[u] Carte, Life of Ormond, Vol. II, Appendix, No. 31.

[w] Ibid. No. 32.

[x] Journals of Lords, Dec. 1. Lingard says, Chap. V, note 54, "It appears to me difficult to read the letter written by Charles during the treaty to the prince of Wales, and yet believe that he acted with insincerity." This certainly would be a new canon of

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1648. His equivocations.

Charles was under an engagement of honour to the two houses of parliament, not to quit the isle of Wight during the treaty, or for twenty days afterwards. He seems to have built his excuse for the breach of this engagement, upon a secret information he received of a "notable design in which the army and the parliament had agreed, by means of which an express was sent to Cromwel to dispose of his person[y]." How pro-

historical evidence, if we are to prefer the authority of a sort of state paper, or manifesto, consisting of twenty-nine folio pages, to that of letters written to different correspondents on the spur of the moment. Burnet (Own Time, Book I,) affirms, on the authority of James II, that this manifesto letter was never received. Lingard himself elsewhere (note 50) calls it an "account composed by order of the king." Indeed nothing can be more striking than the contrast, between the well balanced periods of this paper, and the abrupt and impatient style of the king's genuine letters.

A ludicrous and absurd narrative, entitled, "Secret Transactions in Relation to King Charles I, addressed to Charles II, by the Humblest of his Vassals, Sir John Bowring, Knight," is printed in a Collection of Private Papers, found in the Study of the Marquis of Halifax, 8vo, 1703. In this narrative the writer speaks, p. 146, of "one Mr. Lisle," as "vice-admiral" to the Prince of Wales's fleet in 1648, though the real vice-admiral was lord Willoughby of Parham, and the rear-admiral sir William Batten: Clarendon, Vol. III, p. 139, 140. He represents, p. 154, 156, the king as extremely anxious to knight Lisle, the regicide, two days before his forcible removal to Hurst Castle. And he introduces him saying to the narrator, p. 138, "I have both a place for you and honour too; and, if it please God I live, I shall be as vigilant in raising you and your family, as my father was for his great favourite,"—the first duke of Buckingham, who was stabbed by Felton.

[y] Wagstaff, p. 159.

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bable such an agreement was, every one in the slightest degree acquainted with the existing state of affairs may judge. Hammond, having received some intimation of the king's preparations to escape, pressed him to renew his parole before the commissioners, which with some hesitation he did [z]: and, two days after, he wrote again to sir William Hopkins, expressing his impatience to be gone [a].

The time of the treaty was four times prolonged by the parliament, to the fourth of November, the eighteenth, the twenty-fifth, and the twenty-seventh.

Keepers of the great seal appointed.

In the beginning of the year, during the ascendancy of the independents, a change occurred in the custody of the great seal. It was taken out

[z] Journals of Lords, Nov. 16. Hammond's letter relating the circumstances, is dated, Nov. 7. It is perhaps worth while to transcribe a few sentences from this letter. "I having had intimation of a question or doubt, whether, guards being kept on the king, his parole were not thereby made void, asked him before the commissioners, if he made any such question. He, seeming somewhat surprised, desired time to consider, professing not to have thought of it before. But I, perceiving the danger of such a reserve, pressed him with great earnestness, telling him that otherwise his parole signified nothing; and desired his positive answer. His majesty avoided it four or five times. At length, upon my more importunity, he concluded himself to be obliged by his parole, if the centinels were taken away; which I then promised him before the commissioners should be done. And accordingly it was immediately observed."

[a] Wagstaff, p. 162.

of the hands of the two speakers, in which it had been placed as a measure *ad interim*, and four keepers were appointed for a year, two peers, the earl of Kent and lord Grey of Werke, and two commoners, sir Thomas Widdrington [b] and Whitlocke [c].

Appointment of judges.

Again, towards the close of the year, when the army was resuming its political authority, a resolution appears to have been taken to restore to the administration of civil and criminal justice the full complement of judges which had been usual in preceding times. In the beginning of the civil war so many of these officers had been impeached, others adhering to the party of the king, and the places of those who died remaining not filled up, that there were left within the jurisdiction of the parliament, but one judge to each of the three benches, sir Francis Bacon for the king's bench, sir Edmund Reeve for the common pleas, and sir John Trevor for the exchequer [d]. This state of things continued till the autumn of the year 1645, when each bench was recruited by the appointment of an additional judge, serjeant Henry Rolle for the king's bench, serjeant Peter Pheasant for

[b] Widdrington was brother-in-law to the commander in chief. Whitlocke, Mar. 2.

[c] Journals of Lords, Mar. 17.

[d] See above, Vol. I, p. 205.

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the common pleas, and serjeant Edward Atkins for the exchequer[e]. The individual in this list, whose reputation has descended to us with the most distinction is judge Rolle, of whom Whitlocke says that he was "a wise and learned man[f]." His qualities are also spoken of in terms of high commendation by sir Matthew Hale in his Preface to Rolle's Abridgment of Cases and Resolutions in the Common Law. He says of him, "He was a man of very great natural abilities, of a ready and clear understanding, strong memory, sound, deliberate and steady judgment, of great freedom from passion and perturbation, of great temperance and moderation, and of a strong and healthy constitution of body, which rendered him fit for study and business, and indefatigable in whatever he undertook. He was a patient, attentive and observing hearer, and was content to bear with some impertinences, rather than lose any thing that might discover the truth or justice of any cause. Great experience rendered business easy and familiar to him, so that he gave convenient dispatch, yet without precipitancy and surprise. He gave his directions and decisions with admirable evenness and clearness, and was eminently distinguished by the justice and integrity of his character."—Judge Reeve died in the beginning

[e] See above, p. 45.

[f] Whitlocke, Jan. 11, 1649.

of the year 1647, and his place was supplied by the appointment of serjeant Godbolt[g]. Godbolt died in the following year.

Call of serjeants.

As a preliminary step to the intended filling of the seats of the judges, it was voted by the commons on the twenty-first of August, that the commissioners of the great seal should furnish a list of such lawyers as were best qualified to be called to the degree of serjeants[h]. This list being presented to the house, writs were ordered to be issued accordingly in favour of sir Thomas Widdrington, sir Thomas Beddingfield, Richard Keble, Francis Thorpe, Bradshaw, St. John, Samuel Browne, Glyn, Erasmus Earle, Whitlocke, William Conyers, John Puliston, Thomas Chapman, Thomas Gates and William Littleton[i]. The judges named at the same time were, Henry Rolle to be chief justice of the king's bench, Oliver St. John of the common pleas, and John Wild to be chief baron of the exchequer. Philip Jermyn and Samuel Browne were made puisne judges of the king's bench, in addition to sir Francis Bacon; sir Thomas Beddingfield and Richard Creswel, of the common pleas, in addition to Pheasant;

Names of the twelve judges.

[g] Journals of Lords, Apr. 29, 1647. See above, p. 235.

[h] Journals.

[i] Journals, Oct. 12. There is a slight difference between this list, and that in the Docquet Book of the Crown Office, the names of Keble and Glyn being omitted in the latter, and that of Robert Hatton added.

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1648. Solicitor general.

and Thomas Gates of the exchequer, in addition to Trevor and Atkins [k]. At the same time Edmund Prideaux was named the king's solicitor general, in the room of St. John [k]. The greater part of these appointments were confirmed by the lords in the following week [l]. They received the patents of their respective offices in the month of November [m].

These appointments, made on the eve of the great event which shortly after followed, afford a copious theme for reflection.

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[k] Journals, Oct. 12. [l] Journals, Oct. 18. [m] Docquet Book.

CHAPTER XXIII.

PROCEEDINGS OF THE INDEPENDENTS AND THE ARMY. — DESPERATION OF THE ROYALISTS. — RAINSBOROUGH ASSASSINATED. — REMONSTRANCE OF THE ARMY.—CHARLES REMOVED TO HURST CASTLE.—HIS ANSWERS VOTED TO BE SATISFACTORY.—CROMWEL AT WINDSOR.

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1648.

While the presbyterians were thus earnest to bring about a union between the king and themselves, the independents were not less industrious and active in their exertions for a very different purpose. An extraordinary petition was presented to the house of commons on the eleventh of September, very much on the principles of the independents, though not altogether coinciding with those of the republicans. It was styled the petition of thousands of well affected persons, inhabiting London and the parts adjacent[a]. Its prayers were, 1. that parliament would make good the supremacy of the people from all pretence of negative voices either in king or lords, 2. laws for election of representatives yearly, and of course, without writ or summons, 3. that their

Proceedings of the independents.

Petition of certain inhabitants of London.

Its prayers.

[a] Journals.

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time of sitting exceed not forty or fifty days, and to have a time fixed for ending this parliament, 4. to have matters of religion and God's worship exempted from the compulsory or restrictive power of any authority, 5. to have no punishments awarded against opinions of things supernatural, styling some blasphemies, and others heresies, 6. to have removed the tedious burthen of tithes, satisfying all impropriators, and providing a more equal way of maintenance for poor ministers, 7. to have declared what the duty or business of the kingly office is, and what it is not, and to have the revenue ascertained past increase or diminution, that there might be no more quarrels about it, 8. to have declared what the business of the lords is, and their condition ascertained, not derogating from the liberties of other men, that there might be no more striving about the same, 9. to bind themselves and all future parliaments from abolishing property, levelling men's estates, or making all things common, 10. that the excise, and all kinds of taxes, excepting subsidies, be taken off, 11. to have kings, queens, princes, dukes, earls, lords, and all persons alike, liable to every law of the land, 12. that all commoners be freed from the jurisdiction of the lords, that all trials be by twelve sworn men, and no conviction but upon the evidence of two or more sufficient and known witnesses, 13. that no man be examined against himself, nor punished for doing

that against which there is no law, 14. to have all committees abolished, and all controversies adjusted by the true method of the usual trials of the commonwealth, 15. to have punishments more equally proportioned to offences, that so men's lives and estates might not be forfeited upon trivial and slight occasions, 16. to have consideration taken of the many thousands that are ruined by perpetual imprisonment for debt, and to have a method provided for their enlargement, 17. that the proceedings in law be mitigated and abridged, and the expence made certain in all particulars, 18. that none be forced or impressed to serve in war, 19. that all trade be made free from monopolising and engrossing, by companies, or otherwise, 20. to have all late inclosures of fens and other commons laid open, or inclosed, only or chiefly, for the benefit of the poor, 21. to have some effectual course ordered to keep people from begging and beggary, in so fruitful a country as, by God's blessing, this is, 22. to have laid to heart the abundance of innocent blood that has been spilt, and the infinite spoil and havock that has been made of peaceable and harmless people, by express commission from the king, and to have justice done upon the capital authors and promoters of these wars [b].

Henry Marten goes into the north.

About this time Henry Marten left London, to

[b] Whitlocke. Rushworth, p. 1257, 1258.

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go to Cromwel in the north [c]; doubtless to consult with him respecting the proceedings of the presbyterians, which appeared full of menace and alarm.

Petitions for justice on the king.

On the last day of September a petition was presented from many thousands of the inhabitants of Oxfordshire, expressing their entire concurrence with the last mentioned London petition, and against the treaty [d]. And on the tenth of October similar petitions came from Newcastle, York, Hull, and the grand jury of the county of Somerset. The Newcastle petition prayed for justice upon the greatest offenders and incendiaries of the kingdom, the fomenters and actors in the first and second war: and that from York and from Hull, reproached the parliament, that they had not improved the advantages God had given them, by executing justice on offenders, especially such as had polluted the land with blood, the king having confessed himself and his party to be guilty [e].

Letter from Fairfax to the house of commons.

The time was now come which the republican leaders judged most fitting, for bringing forward the resolves and the temper of the army, by their means to sweep away the abortive fragments of the negociation, nominally carrying on between the king and the parliament. On the sixteenth of October a letter was addressed by Fairfax to the

[c] Rushworth, p. 1265.

[d] Journals. Whitlocke. Rushworth. [e] Ibid.

house of commons, stating that several petitions were preparing among the soldiers, in which were recapitulated the severe services in which they had been employed during the summer that had every where been crowned with the desired success, the heavy arrears of their pay, and the distressing alternative of free quarter to which they were consequently reduced. Together with this letter the general sent up as specimens two petitions of Fleetwood's regiment, one to himself, and the other to the house[f].

1648. Petitions in the army.

Two days later, a petition was presented to Fairfax from Ireton's regiment, in which they desired, that a strict scrutiny might be made as to the persons who were contrivers and encouragers of the second civil war; that justice might speedily be executed on them, and on all who were obstructors of such retribution, or were authors of the shedding innocent blood; that the same fault might have the same punishment in king or lord, as in the poorest commoner; and that all such might be proceeded against as traitors, who acted or spoke in the king's behalf, till he were acquitted of the guilt of shedding innocent blood[g]. The petition of Ingoldsby's regiment, lying in garrison at Oxford, went further than this. They prayed, that immediate care might be taken that justice be

Petition of Ireton's regiment.

of Ingoldsby's regiment.

[f] Journals of Commons, Oct. 18. Rushworth, p. 1297.

[g] Whitlocke, Oct. 18. Rushworth, p. 1298.

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done on the principal invaders of their liberties, namely, the king and his party: they declared themselves ready to live and die with the parliament in their vote of non-addresses: they pronounced upon the issue of the present treaty, that it could be neither just nor safe: they desired that sufficient caution might be taken of all future kings, to prevent the enslaving of the people hereafter: and they recommended to Fairfax to reestablish a general council of the army, to consider of effectual remedies for the present impending calamity, either by representation to the house of commons, or such other way as might be deemed expedient[h].

Desperation of the royalists.

Meanwhile the royalists were almost driven to desperation; and, as the character of the mass of the party was licentious, the remedies they planned were correspondent. It became dangerous for any member of the house of commons, or officer of the army to walk the streets without company; and the committee of Derby House (Rushworth adds, and the speaker) had information that a certain number of the cavaliers had combined to assassinate eighty members, whom they judged most adverse to their cause[i]. A member coming out of

[h] Whitlocke, Oct. 30. Rushworth, p. 1311.

[i] Whitlocke, Sept. 30. Rushworth, p. 1279. It is but justice to observe that I find no trace of this in the Order-Book and the Letter-Book of the committee. These books contain the orders

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the city was assailed by three conspirators, but escaped; colonel Rainsborough sustained a similar attack, and a captain and a major were killed in the streets[i]. Rainsborough, being one of the most zealous and avowed republicans, was particularly obnoxious to these desperadoes, and shortly after experienced the fatal effect of their hostility. On the twenty-ninth of October, three assassins found their way to his apartment at Doncaster, where he was quartered with his regiment, and, having inflicted on him several mortal wounds, escaped[k]. In the following week there was an earnest debate in the house of commons as to the state and condition of the guards attending on parliament, it being alleged, that the malignant party was flocking to London, and, as it was conceived on some dangerous design, now on the eve, as it was thought, of breaking off the treaty; most of them being furnished with daggers and pistols[l]. It was voted in the house, that the guards assigned by the corporation, were for the most part hirelings, and not citizens, and that the

Rainsborough assassinated.

they issued, and the letters written in their name. The record of the letters they received, and of the informations conveyed to them, seems to have perished.

[i] Ibid.

[k] Whitlocke, Nov. 1. Rushworth, p. 1315. Clarendon, p. 188, 190, calls this a noble attempt, and the perpetrators a gallant party. He says, the plan was to carry him off as a hostage for the royalist prisoners, and, only if he resisted, to put him immediately to death.

[l] Whitlocke, Nov. 4. Rushworth, p. 1316.

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house could not confide their security in such hands: and a committee was appointed to confer with the common council on the subject [m].

General council of the army.

The general council of the army, conformably to the prayer of Ingoldsby's petition, appears to have been reorganised on the eighth of November at St. Albans [n]; and, eight days after, this council agreed upon a remonstrance, which on the twentieth was presented by colonel Ewer and other officers at the bar of the house of commons [o].

Its remonstrance.

Letter from Fairfax.

It was introduced by a letter from Fairfax to the speaker, in which he stated, that the accompanying representation had been unanimously voted by the council of officers, and he therefore intreated, in the name of the council, and of himself, that it might have a present reading, that the things proposed in it might be timely considered, and that no failing in circumstance or expression might prejudice either the justice of what was desired, or the integrity of its authors [p].

Contents of the remonstrance.

The remonstrance began with a copious recapitulation of the messages and overtures which had passed at different times between the king and the parliament, calling to mind how they had miscarried, and particularly insisting on the fallacy of the treaty in which they were engaged. The council went on to recommend the immediate

[m] Journals, Nov. 4.
[n] Rushworth, p. 1320. Whitlocke.
[o] Journals.
[p] Rushworth, p. 1330.

dissolution of the treaty, and returning to the votes of non-addresses. The things specially called for were, that the king should be brought to justice as the capital source of all their grievances, and that the prince and the duke of York should have a day assigned them, by which to come in, and give an account of their conduct, to be acquitted or censured accordingly; otherwise to be declared traitors, and incapable of governing, or of any right in England. The remonstrance went on to demand that a reasonable, certain period should be set for the conclusion of the present parliament, previously to which it might be necessary, that a hundred good laws should be established, as many ill ones repealed, and others of a different class explained and amended. It was also necessary that rules should be settled for the succession of parliaments, annual or biennial, and for a more equal representation of the people. The power of this representative should also be settled, as of itself equal to the originating or repealing of laws, the making war and peace, and the pronouncing final judgment in all civil matters; and no king should hereafter be admitted, but by election of the representatives of the nation, and in trust for the people. It was recommended that the final settlement should be declared by a general contract or agreement of the people, none being to be allowed the benefit of this agreement without having previously subscribed it. The council

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concluded with a hope that these propositions would not be taken amiss, as proceeding from an army, and therefore from servants, since the house of commons themselves were but servants, and trustees for the kingdom [q].

Strength of the presbyterians in parliament.

It is easy to perceive that this remonstrance, though coming in some sense in the form of a petition, was intended rather as a manifesto, declaratory of such things as the army purposed to carry into effect. They could have little hope, by expostulation and energetic statements, to bring the parliament, as at present constituted, to their purpose. After the treaty had been voted, very many members hostile to the independents, had flocked again to the house, and swelled the numbers of their opponents [r]. Both parties stood in awe of each other; and therefore the presbyterians, influenced by views of policy, and shrinking on the verge of the last extremity, often suffered the independents to carry some votes, not utterly destructive of their favoured aim of a final coalition with the king. But there was no doubt that, whenever they resolved to accomplish a particular point, they would be able to effect it by dint of numbers. If the army by a determined opposition could have succeeded to terrify the house of commons into the

[q] Rushworth, p. 1331, 1332.

[r] Clarendon, Vol III, p. 182.

adoption of certain votes against the sense of the majority, this would afford them a precarious tenure. It was clear therefore that they meditated an ultimate proceeding of a more decided nature.

Scruples of Hammond. Nov. 21.

Regarding, as has been said, the remonstrance, as being rather the manifesto of the army, the council of war proceeded, on the day subsequent to that on which it was presented to the house of commons, to the first step of a series of measures, in which the army should dictate to the parliament, similar to those which had been adopted when the king was seized by Joyce, and removed from Holdenby. The council of war had found an obstacle, where they least expected it. The condition required as a basis of all their proceedings, was the certain possession of the person of the king. He had been now for eighteen months in the hands of the army. To render that point more secure, Cromwel had, in the close of the preceding year, frightened the king from Hampton Court, and by unseen means drawn him to the isle of Wight. He had but just before contrived that Hammond, an instrument upon whom he believed he could securely rely, should be named governor of the island. An intimation had on the present occasion been conveyed to Hammond by his military friends, that they designed to remove Charles from his present situation. But the governor was seized with an unlooked-for scruple. He replied to the intimation, that the

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custody of the king had been committed to his charge by the parliament, and that he held himself bound in honour to be faithful to his trust[s]. He had in almost all respects acted towards Charles with exemplary propriety; and accordingly, whenever the king for his refreshment walked about the lines at Carisbrook, Hammond had been accustomed to be one of the company, mixing with him in social and familiar discourse[t]. To counteract the ill effects of his scruple on the present occasion, Fairfax wrote to Hammond on the twenty-first of November, commanding him with all speed to repair to the general at head-quarters, and deputing colonel Ewer, one of the most determined republicans in the army, to take upon himself the government of the isle of Wight in his absence[u]. Hammond accordingly left the island on the twenty-seventh[w], and the next day the commissioners set out for London[x].

King removed to Hurst Castle.

On the first of December the king was removed, under the escort of a party of horse, from Newport, the place of the treaty, to Hurst Castle[y], a fortress in Hampshire, situated at the extreme point of a neck of land, which shoots into the sea towards the isle of Wight. This precaution was

[s] Letters of Hammond and Others, published by Birch, p. 95.
[t] Herbert, p. 79. [u] Journals of Lords, Nov. 27.
[w] Ibid. Nov. 30. [x] Clarendon, State Papers, Vol. II, p. 454.
[y] Rushworth, p. 1351.

no doubt suggested, by the continual alarms that had been given of Charles's design to escape, and retire to the continent, or rather, if possible, to the standard of the marquis of Ormond in Ireland.

Declaration of the army.

The king's person being secured, the army felt that it was now proper to proceed a step further. The house of commons had twice adjourned the consideration of the remonstrance [z], and had thus shewn, what was sufficiently clear from the first, that it was not from that assembly, as at present constituted, that the completion of any of the purposes of the remonstrance was to be looked for. The council of war therefore voted on the thirtieth of November a declaration, more fully expressive of their views and intentions. In this paper they state the fearful apprehension they entertain, that the further pursuit of the treaty will be found pregnant with the most fatal consequences to the nation at large. They observe that, in cases where there was an open way left for the just succession of another proper judicature to be appealed to in due time, there might be room for forbearance; but in the present case, where, by an act of king, lords and commons, the existing parliament was rendered perpetual, and only to be dissolved by themselves, an extraordinary remedy was absolutely demanded. They declare that the main object of all their aspirations is a due, safe,

[z] Journals, Nov. 20, 27.

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and hopeful succession of parliaments. They state, that it would to them be the highest object of rejoicing, if the house of commons would of their own proper motion exclude from their sittings all such members as were by themselves impeached in the preceding year, such as had usurped to act as a house of commons in the absence of the speakers (driven away by force and tumult), and such as should be found to have invited the Scots' invasion, and encouraged the insurrections of the preceding summer. But, if this cannot be, the next thing they hold most desirable is, that so many of the members as have kept themselves upright, would by protestation acquit themselves of the breach of trust committed by the majority, and withdraw from those who persist in that guilt. For these, the army will in this case of extremity look upon them as persons having the chief trust of the kingdom remaining in them: not as a formal, standing power, to be continued, and drawn into precedent, but the best and most rightful that can be had in the present state of affairs, until the introducing of a more full and lawful power in a just representative, which is to be endeavoured as speedily as may be. In the mean time the army announces that it is now drawing towards London, for the accomplishment of the purposes of their remonstrance [a].

[a] Rushworth, p. 1341, 1342, 1343.

On the second of December Fairfax marched to London, and quartered his army at Whitehall, St. James's, the Mews, and the villages near the metropolis [b].

1648. Fairfax marches to London.

Meanwhile the presbyterian leaders persisted, and were not awed from their course by these formidable appearances. They were prepared for a purging of the house of commons by the intervention of the army, for this was a measure that had been talked of once and again. But they believed that a proceeding of so high a degree of insolence, would not be borne by the people at large. The house of commons was the authorised and established representative of the nation, and in the present distracted state of affairs was almost the only authority that could be looked to: it was not therefore to be supposed that they could be driven from their stations by so anomalous and fortuitous a body as the army, with impunity. Besides, the object pursued by the military leaders was no less than the trial and execution of the king. This was a purpose that had the prejudices of the nation against it, and would fill England through all its ramifications with horror. Hollis and his adherents therefore believed, that these ambitious officers were posting with all speed to their own destruction. They accordingly resolved to embark their fortunes and their cha-

Resoluteness of the presbyterians.

[b] Whitlocke. Rushworth, p. 1350.

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racter in this bottom, and to set up a standard, to which all who were in their opinion true friends to their country and its institutions might repair.

King's answers voted satisfactory.

On the first of December the commissioners who had treated with the king at Newport, made their appearance in the two houses of parliament[c]; and the two following days were occupied by the house of commons in an earnest debate as to the state of the negociation. Vane was one of the principal speakers against the treaty[d]; and Fiennes, who had hitherto ranked among the independents, spoke for it[e]. At length, after the house had sat all night, it was put and carried, at five in the morning of the fifth, by a majority of one hundred and twenty-nine to eighty-three, that the king's answers to the propositions of both houses were a ground for them to proceed upon, to the settlement of the peace of the kingdom. On the

[c] Journals.

[d] Clarendon, Vol. III, p. 234. Ludlow, p. 268.

[e] This I infer from his being among the forty-one members who were arrested by the army on the sixth. Lingard asserts the same thing, on the authority of a wretched bundle of papers in the Clarendon Collection, called, Extracts from Letters of Intelligence, written from London to Mr. Secretary Nicholas in France. They consist of all sorts of tavern and ordinary-house rumours (among the rest, of the earl of Northumberland ordering the duke of York to be whipped for weeping over his father's calamities), and are in reality an admirable specimen of the sort of letters of intelligence which ministers of state are accustomed to receive from their spies.

same day this vote received the concurrence of the house of lords [f].

1648. Cromwel at Windsor.

Cromwel wrote home to the general from the siege of Pontefract on the twentieth of November, stating his intention to leave the finishing that enterprise, if necessary, to Lambert, and himself to repair after a short delay to head-quarters. With his letter he forwarded petitions from the different regiments under his command, the purport of which was to demand that justice should speedily be executed upon the greatest delinquents [g]. He probably arrived at Windsor, where were Fairfax's quarters, at the period of the second day's debate.

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[f] Journals. Whitlocke. Rushworth, p. 1352. Clarendon, Vol. III, p. 238. Clarendon grossly misstates the numbers. The debate, strictly speaking, occupied two days, Saturday, the second, and Monday, the fourth, the decision being pronounced at five o'clock on Tuesday morning.

[g] Rushworth, p. 1339, 1352.

CHAPTER XXIV.

HOUSE OF COMMONS IS PURGED BY THE ARMY.—NUMBER OF THOSE THAT REMAINED.—THEIR PROCEEDINGS.

BOOK II.

1648. Consequences to be expected from the late votes.

THE present, no doubt, was a terrible crisis. It had been voted some months before, that if the king previously assented to three preliminaries, he should be admitted to a personal treaty, and London was in that case named as the scene of negociation[a]. The next step therefore to the vote that Charles's answers were satisfactory, unavoidably was, that, as he demanded, he should have liberty forthwith to repair to Westminster, and be restored to a condition of absolute freedom and safety[b]. What would have been the consequences of this in the present circumstances it is difficult to pronounce. The royalists would have considered it as an entire victory on their part; and his triumphal entry would have been as a signal, at which for all sorts of violence and disorder to have

[a] Journals of Lords, July 5. of Commons, July 7.

[b] Sir Edward Walker, Perfect Copies, p. 32.

broken loose. They were as prisoners, who had long been held under the security of bolts and bars; and this would have been a throwing open the prison-doors, when all those who had been under confinement should burst out like a torrent on the public. Their watch-word, we are told, was assassination. To this let it be added, that the king was resolute against any treaty, and that the concessions he made were such as he would not have made, but for the purpose of gaining an opportunity to escape. The city on the other hand, and the majority of the house of commons, were rigid presbyterians. Things would have soon come to a trial of force; and the most complete anarchy would have universally succeeded.

Situation in which the army was placed.

The army at this time was at hand, and must necessarily have become the umpire of the strife. They might have given their protection to the presbyterian majority, who had brought on the mischief. They might have recanted their principles, made themselves slaves to those whose favourite purpose was to disband and disperse them, left their leaders victims to the rage of Hollis and his followers, and assisted them in enthroning an exclusive presbytery, putting down sectaries, and crushing religious liberty through the land. This they were resolute not to do. If they had done so, they would, according to their view of things, have rendered themselves criminal to the present generation and to all posterity.

BOOK II.

1648. Views of Hollis and his friends.

Hollis in reality, though he voted that the king's answers were satisfactory, never intended that the vote should be carried, or never intended the consequences that would naturally follow from its being carried. His conduct was like that which we have often seen in the leader of an opposition in a numerous deliberative assembly. He made a motion, not with a wish that it should prevail and be acted on, but with the sole view of annoying the enemy, and furnishing himself and his colleagues with topics of declamation. The forces were daily pouring on towards London[c]. He saw his fate, and resolved to leave behind him ere he departed, the most plausible topic for his adherents to exhibit and extol, and for himself to act upon when he was restored to power, to which he expected to be brought back on the shoulders of the triumphant presbyterians. To say that the king's answers were satisfactory, was a tangible position, and was calculated, as he imagined, to set the unreasonableness of those who disturbed the treaty in the most glaring light.

Consultation, three officers of the army, with three members of parliament.

On the fifth of December three officers of the army held a meeting with three members of parliament, to arrange the plan by which the sound members might best be separated from those by whom their measures were thwarted, and might peaceably be put in possession of the legislative authority[d].

[c] Rushworth, p. 1353. [d] Ludlow, p. 270.

The next morning a regiment of horse, and another of foot were placed as a guard upon the two houses [e], Skippon, who commanded the city-militia, having agreed with the council of the army, to keep back the guard under his authority which usually performed that duty [f]. A part of the foot were ranged in the Court of Requests, upon the stairs, and in the lobby leading to the house of commons. Colonel Pride was stationed near the door, with a list in his hand of the persons he was commissioned to arrest; and sometimes one of the door-keepers, and at others Lord Grey of Groby, pointed them out to him, as they came up with an intention of passing into the house. Forty-one members were thus arrested [g]. Hollis is not in the list: he had taken care to secure his own escape.

Forty-one members seized by the army.

Still the majority of the house appears to have been presbyterian. They were no sooner informed that several of their members were detained by the military in certain apartments in Westminster Hall, called the Queen's Court, and the Court of Wards, than they sent the serjeant at arms to command the attendance of their members. An answer was returned by an officer on the spot, that he could not suffer them to come without orders from the general. The house then appointed a committee to wait on Fairfax upon the subject;

They are reclaimed by the house of commons.

[e] Whitlocke, Dec. 6. Rushworth, p. 1353.

[f] Journals of Commons, Dec. 7.

[g] Ludlow, p. 270. Whitlocke, Dec. 6. Rushworth, p. 1355.

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but his answer was, that he had sent in certain proposals of the army to the house of commons, and that he could give no answer to the committee, till the sense of the house upon these proposals was known[h].

Conditions laid down by the army.

The proposals of the army which were delivered in on the same day, were in substance, that Hollis, and the other members, whom the house itself had impeached and expelled in the preceding year, might be excluded from their sittings; that the ninety members and upwards who had voted against declaring the Scottish invaders enemies, should be in like manner excluded; that a test should be framed by the remainder, acquitting themselves of having voted for a personal treaty, or that the king's answers were satisfactory, and that such as could not clear themselves should also be excluded or suspended; and that then the house should proceed to the taking such steps as were recommended by the late remonstrance of the army[i]. These conditions, if complied with, would have amounted to a complete exclusion of the presbyterians and all that had ever adhered to them, in other words, of a majority of the house.

More members excluded.

On the following day more members were secured, or denied entrance, amounting, with those of the day before, to about one hundred[k]. At

[h] Journals of Commons, Dec. 6, 7.

[i] Whitlocke, Dec. 6. Rushworth, p. 1354, 1355.

[k] Whitlocke. Journals of Lords, Dec. 15. Clarendon, Vol. III, p. 238.

the same time Cromwel took his seat; and Henry Marten moved, that the speaker should return him thanks for his great and eminent services performed in the course of the campaign[l]. The day after, the two houses adjourned to the twelfth. 1648.

Further proceedings.

During the adjournment many of the members who had been taken into custody by the military, were liberated, some giving their parole that they would appear when called for, and others without any engagement. Major-general Richard Browne, sheriff of London, major-general Massey, Sir William Waller, sir John Clotworthy, and colonel Copley were separated from the rest, and carried into confinement at St. James's, on a charge of having invited the Scots, and otherwise contributed to the disorders of the present year[m].

Some members withdraw.

Beside those who were absolutely secured, or shut out from their seats by the power of the army, there were other members that looked with dislike on the present proceedings, or that considered parliament as being under force, and not free in their deliberations, who voluntarily abstained from being present at their sittings and debates[n].

Plans of the council of war.

The council of war had purposed on this occa-

[l] Journals. Clement Walker, p. 34.

[m] Whitlocke, Dec. 12. Rushworth, p. 1361. Clement Walker, p. 39, *et seqq.* Journals of Commons, Apr. 7, 1649.

[n] Whitlocke, Dec. 7, 13.

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1648.

Numbers that voluntarily absent themselves in parliament.

But another circumstance that contributed to thin the ranks of the house of commons, was not merely the force now put upon them, but the contemplation of the measure, at present not obscurely indicated, and which was soon after openly brought forward, the trial and execution of the king. Whatever were the merits or demerits of this measure, nothing can be more palpable to all observation and experience, than that men of an ordinary rate of resolution and judgment, especially in the class of those who are opulent or easy in their circumstances, shrink from extreme acts and unprecedented proceedings, without giving themselves the trouble to enquire into the causes which might or might not render them indispensible. Such men therefore eagerly seized upon the occasion of the force they now laboured under, to withdraw from proceedings, the very thought of which filled them with terror.

Temper and character of the remainder.

Whether the men who at this time presided over public affairs, were wrong in supposing it

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adopted by Heath, Hume and Lingard. The number of the secured and excluded, by their own Protestation, is "above one hundred." Echard, a high-church historian, after repeating Clement Walker's other numbers, says, not in figures, but in words at length, "The house was left to the possession of about a hundred and fifty." The divisions that occur in December, January and February in the Journals, make the yeas and the noes together amount to a little more than eighty. Of course a certain number was absent, employed on military and other public business.

necessary by such means to put an end to the proceedings of Hollis and his allies, and whether their ends might have been accomplished with a less extensive violence, it is the province of impartial men who have fully possessed themselves of the facts, to decide. But, whatever judgment we may form on these questions, it is scarcely possible not to admire the courage of the individuals, who undertook the conduct of the state under these perilous circumstances, through measures so unprecedented and daring, and finally advanced their country to a glory that no former age of its annals could parallel. Royalists and presbyterians joined to scoff at the parliament as now constituted, under the name of "the Rump." They were not aware that by this representation, they in some respects swelled its panegyric. The more it was the Rump of a Parliament, and the more it was in dimension the despicable fragment of the mighty council that began the contest in November 1640, the more wonderful it is that they accomplished such ends by so inadequate means. They were surrounded with difficulties. Royalists and presbyterians regarded them with inextinguishable animosity. They looked round on the empty benches which had been prepared for a much more complete and copious assembly, and felt in themselves the energy, the firmness, and the intellectual power, that might well compensate this seeming deficiency.

BOOK II.

1648. Protestation of the secluded members.

During the short adjournment of the two houses, the imprisoned and secluded members drew up and published a protestation, dated the eleventh of December, in which they speak of the force exercised by the army in the strongest terms that language can furnish, as treasonable, detestable, and execrable, and declare that all acts, ordinances, votes and proceedings made or to be made after the sixth instant are null and void, and that all members of parliament are obliged under pain of the deepest perjury and eternal infamy, to oppose the contrivers and actors of this force, and endeavour to bring them to condign punishment[p].

Condemned by the houses.

This protestation, like that of the twelve bishops in December 1641[q], tended, if not counteracted by the highest possible authority, to the immediate dissolution of the present existing government; and of consequence compelled the two houses to unite in denouncing it. They accordingly issued a declaration, pronouncing this instrument to be false, scandalous and seditious, and adjudging all persons concerned in framing and publishing it, to be incapable of bearing office, and of sitting as members in either house of parliament[r]. The peers who were present in the house of lords when this declaration was voted, were only four,

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[p] Journals of Lords, Dec. 15.

[q] See Vol. I, p. 69.

[r] Journals, Dec. 15.

the earl of Denbigh, speaker, together with the earls of Pembroke, Nottingham and Mulgrave. The earl of Manchester did not sit as speaker after the late adjournment.

Votes rescinded by the commons.

The first proceeding after the adjournment in the house of commons, was the reading the proposals of the army, in compliance with which it was voted to revoke the order for the readmission of the eleven members, together with the vote annulling the resolution of non-addresses, and the vote declaring the answers of the king to the propositions of the two houses to be satisfactory[s]. The present votes were not sent up to the lords for their concurrence.

Divisions that occur.

On the fourteenth a committee of the house of commons was appointed, to go to the general, to know of him upon what grounds their members were restrained from attending on their duty in parliament. On this occasion there was a division, in which Marten and some of the most determined independents were in the minority. There had also been a division one week before, in which it was carried by a great majority that the proposals of the army should be taken under consideration[t]. On the eighteenth it was voted that every member should have free leave to enter his dissent to

[s] Journals of Commons, Dec. 12, 13. Whitlocke. Rushworth, p. 1361, 1362.

[t] Journals.

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the vote approving of the king's answers to the propositions [u].

[u] Whitlocke. Rushworth. This does not appear upon the Journals, in which there are some erasures. But there are some dissents entered, Dec. 21.

CHAPTER XXV.

KING BROUGHT TO WINDSOR.—ORDINANCE FOR HIS TRIAL.—REJECTED BY THE LORDS.—SECOND ORDINANCE TO THAT EFFECT.

CHAP. XXV.

1648. Consultations of Cromwel and Dean, with Lenthal and the keepers of the seal for the settlement of the kingdom.

Two days before this, Colonel Harrison was sent by the council of war to Hurst Castle, to fetch the king to Windsor. This was no doubt in order to his trial [a]. This circumstance may help to guide our judgment in a particular, most distinctly recorded by Whitlocke, respecting the proceedings of Cromwel. It was voted in the house of commons, the same day that Harrison was dispatched, that such expedients as might be offered for settling the peace and government of the kingdom should be taken into immediate consideration [b]. A private meeting was held for this purpose on the eighteenth, of Whitlocke and Widdrington, commissioners of the great seal, with Cromwel, Dean and the speaker, to consider how the settlement of the kingdom might best be effected, and to join counsels for the public good. This meet-

[a] Whitlocke. Rushworth. The name of the officer does not appear here, but is abundantly evident from Herbert and Clarendon.

[b] Journals, Dec. 16, 18.

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1648. Whitlocke and Widdrington appointed to digest the particulars.

ing was repeated on the twenty-first; and the next day Whitlocke and Widdrington sat all day together to draw some heads founded on these consultations. They were likewise to frame somewhat in order to the restitution of the secluded members, and for an answer by the army to the messages of the house of commons, as well as heads of a declaration to be issued by parliament for a foundation for the settlement of the kingdom[c]. As the king had already been sent for, there could be no serious meaning on the part of Cromwel in these meetings. He sought them probably, the better to conceal till the last moment his real designs. And it appears that he managed these conferences with such address, as to bring Whitlocke and Widdrington, two of the first lawyers of the day, to lend their countenance in a great degree to the new government, who had both before hesitated to attend their duty in parliament[d]. —It is a curious circumstance, handed down to us on the same authority, that Cromwel at this time lay in one of the king's rich beds in Whitehall, and in this posture gave audience to some of the most considerable persons of the kingdom[e].

[c] Whitlocke. [d] Ibid. Dec. 20.

[e] Ibid. Dec. 19. Ludlow, p. 272, states this, as if it had occurred on Cromwel's first coming to town. But Ludlow writes inaccurately, and from memory, while Whitlocke's publication is a daily journal of events.

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Character of Harrison.

Colonel Harrison, one of the most honourable and blameless of the republicans, was sent to Hurst Castle, to remove the king from that place to Windsor. He was the son of a grasier near Newcastle under Line in Staffordshire, and had been educated in the profession of the law in Clifford's Inn [f]. When the young gentlemen in the inns of court were formed into companies at the beginning of the civil war, he was one of them [f]; and at the battle of Marston Moor he served in the capacity of major [g]. He attended viscount Lisle in his expedition into Ireland, where he rose to considerable distinction, and served as colonel in the north against the duke of Hamilton [h]. On the present occasion he was selected for the important charge of bringing the king from Hurst Castle to Windsor.

His conference with the king at Farnham.

He accordingly repaired to this fortress, and having made suitable arrangements, left the execution in the first instance to lieutenant-colonel Cobbet [i], the same officer that had conducted Charles hither from the isle of Wight. Harrison himself met the king for the first time, at the head of a troop of horse, a few miles west of Farnham. He was gallantly mounted and well equipped;

[f] Heath, p. 196. Trials of the Regicides, Ed. 1724, Preface, p. 18. The scurrility of the royalists has changed the grasier into a butcher.

[g] Baillie, Vol. II, p. 40.

[h] Rushworth, p. 1201, 1237.

[i] Herbert, p. 92, 93, 94, 95.

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and Charles immediately noticed him, and enquired of his attendants who he was. Being informed, the king shewed some surprise, and said, He looks like a soldier: I have some judgment in faces; and, if I had seen him before, I should have had a better opinion of him. A little before supper at Farnham, Charles beckoned Harrison to him, and, taking him by the arm, talked with him for half an hour or more in the recess of a window. Among other things, the king told him of an information he had received during the treaty at Newport, that Harrison had been commissioned to assassinate him [k]. Harrison assured him, that he needed not have entertained any such apprehension, that the parliament had too much justice and honour to cherish so vile a purpose, and that whatever they designed to do, would be done with solemnity, and in a way that all the world should witness. Charles however would on no account believe, that they would ever dare to produce him in the sight of the people, in any form of a public trial [l].

King again attempts to escape.

Harrison treated the king with [illegible] outward respect, but attended him with great stf[illegible]tness, and manifested an apprehension that he pc[illegible]posed to escape. The party slept at Farnham, and were the next day to arrive at Windsor. Bagshot lay in the way, and Charles expressed a desire to dine

[k] Herbert, p. 97, 98, 99. [l] Clarendon, Vol. III, p. 249.

at the lodge in his own park there. Harrison knew that the present tenant was a most attached royalist, and expressed some reluctance, but at length gave way. In fact, a plan had been formed, that this person, lord Newburgh, who was famous for his stud, should supply the king with a remarkably swift horse, under pretence that that which he rode was a little lame, with which he should endeavour, being well acquainted with all the intricacies of Windsor Forest, to escape from his attendants; in which case a relay of horses was provided in different places all the way to the sea-coast. But an accident happened that prevented this design; and in the mean time, Charles having several times complained of his horse, Harrison, whose vigilance in the performance of his duty never relaxed, provided the king with a better horse from among those of his own troop [m].—Charles arrived at Windsor on the twenty-third of December [n].

Arrives at Windsor.

The king had been here but a very few days, when an order came from the council of war, that the ceremonial, customary to his table, should be laid aside, which had hitherto been used, when, as he said, the "crumpling old man that lighted his fire, had been his best company;" such as the

Ceremonial of his table laid aside.

[m] Clarendon, p. 247, *et seqq.* Harrison's character at large may be found in Ludlow, Vol. III, p. 12.

[n] Rushworth, p. 1371.

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serving his cup and his dishes, covered, and on the knee [o].

1648. Additions to the committee at Derby House.

On the twenty-first it was voted to add to the committee at Derby House the following members; sir Henry Mildmay, sir Gregory Norton, Valentine Wauton, John Lisle, Humphrey Edwards, all noted independents [p]. It does not appear that this appointment ever obtained the sanction of the house of lords.

Committee appointed to prepare proceedings against the king.

On the day in which the king arrived at Windsor, a committee was appointed of thirty-eight persons, to consider how to proceed in a way of justice against the king and other capital offenders. At the head of the list are the names of Widdrington and Whitlocke. There are also viscount Lisle, lord Grey of Groby, viscount Monson of the kingdom of Ireland, John Lisle, Skippon, Scot, Chaloner, Marten, sir Henry Mildmay, sir Gregory Norton, Valentine Wauton, and Humphrey Edwards [q]. Vane appears at this time to have absented himself. Widdrington and Whitlocke, being two or three days after sent for to the

[o] Whitlocke, Dec. 27. Rushworth, p. 1376. There can scarcely be a more striking instance of a treacherous memory, than in this instance in Herbert's Memoirs, written in 1679, thirty years after the event, though for the most part he describes his incidents with such vivacity, that we might think they occurred but the day before. He represents this change, as if it had only taken place at St. James's, to which residence Charles was removed 19 January, the day before his trial. Whitlocke and Rushworth are journalists.

[p] Journals.

[q] Journals, Dec. 23.

committee, went out of town together, that they might have no concern in the business [r].

1648. Ordinance for his trial.

The ordinance for trying the king was brought into the house from this committee, and read a first time on the twenty-eighth, a second time on the day following, and passed on the first of January. It was moved in the house of commons by Scot [s]. The commissioners were one hundred and fifty in number. At their head, Henry Rolle chief justice of England, Oliver St. John chief justice of the common pleas, and chief baron Wild, with the earls of Kent, Pembroke, Nottingham, Denbigh and Mulgrave, and lord Grey of Werk. Fairfax and other officers, not members of parliament, were also included, and six aldermen of the city of London [t].

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Rejected by the lords.

The day after that in which the ordinance passed the house of commons, it was carried up to the lords, together with a resolution, that by the fundamental laws of England, it is treason for the king to levy war against the parliament and kingdom. Since the purging of the house of commons, the sittings of the lords were for the most part of three or four peers only, never more than seven. From the sixteenth forward, we generally find five. For the twenty-eighth the house was summoned, and there appeared eight; and, the

[r] Whitlocke, Dec. 26. [s] Clement Walker, Part II, §. 54.

[t] Parliamentary History. Leicester's Journal, by Blencowe, Jan. 1.

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day in which the ordinance for the king's trial was brought on, there were twelve peers present[v]. The resolution and the ordinance were both of them rejected without a division; and the house then adjourned for one week.

Hopes and expectations of the king.

The same day the king at Windsor shewed himself as merry as usual, and said he feared none of them. He made the business talked of for questioning him a jest, and added that he had yet three games to play, the least of which gave him hope of regaining all. Leicester adds, "He hath a strange conceit of my lord of Ormond's working for him in Ireland; he hangs still on that twig; and by the enquiries he made after Ormond's and Inchiquin's conjunction, I see he will not be beaten off from it[u]."

Second ordinance for his trial.

The house of commons however had gone too far, to be turned aside from their course by the resolute opposition of the peers. Years before, the language had been held, and even by the presbyterians, that the commons were the only representatives of the people, and if the lords would not concur with them, that the commons could dispense with their assistance[w]. On the third of January they deputed two of their members to

[v] Whitlocke says sixteen, and that they adjourned for ten days. So says Rushworth. The above numbers are taken from the Journals.

[u] Leicester's Journal. Also Whitlocke.

[w] See above, Vol. I, p. 401. Also p. 231 of this volume.

examine the journal-book of the house of peers, to see how the business stood there as to the resolution and ordinance, who presently returned with an extract. They then directed the ordinance to be brought in anew, in which the names of the six lords and the three judges were omitted, and two serjeants, Bradshaw and Nicholas, were added [x]. The reason assigned for omitting the judges was that they were liable to be summoned by the house of lords [y]; but it is probable that it was also understood that they would decline the office allotted them. The ordinance with these variations was immediately read a first and a second time, and the resolution revoted of treason against the king, in the name of the commons only [z], it having before been voted with a blank for the lords.

Resolutions of the commons.

On the following day three resolutions were made; that the people, under God, are the original of all just power; that the commons' house in parliament, being chosen by, and representing the people, have the supreme power; and that whatever is by them enacted, has the force of law, though the consent of king and peers be not added to it. The ordinance was read a third time, and passed, on the sixth [a]. The number of the commissioners named in the ordinance is

The ordinance is passed.

[x] Journals. Whitlocke. Rushworth. Leicester.
[y] Leicester. [z] Journals. [a] Journals.

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one hundred and thirty-five [b]. Of these there were viscount Lisle, son to the earl of Leicester, lord Grey of Groby, son to the earl of Stamford, lord Monson of the kingdom of Ireland, general lord viscount Fairfax, lieutenant-general Cromwel, major-general Skippon, commissary-general Ireton, and all the colonels of the army; with three serjeants at law, John Bradshaw, Robert Nicholas and Francis Thorpe; five barristers, Alexander Rigby, Roger Hill, Miles Corbet, John Lisle and William Say; five aldermen of London; one knight of the Bath, eleven baronets, and ten knights. Of these commissioners eighty-two were members of the house of commons. Vane was not in the list [c].

Proceedings of the lords.

When the house of lords met again after their adjournment, they appointed a committee to bring in an ordinance, purporting, that whatever king of England should hereafter levy war against the parliament and kingdom, should be held guilty of high treason, and be tried in parliament for that offence. The house in which this vote was

[b] In the original ordinance the names are said to have been one hundred and fifty. If from this number we take away nine, and then add two, the result ought to be one hundred and forty-three. There were therefore other omissions and variations. According to Leicester's Journal, p. 47, there were in the original ordinance six aldermen of London, Pennington, Atkins, Fowke, Andrews, Gibbs and Wollaston: in the second ordinance there are only five aldermen, and these are Pennington, Atkins, Fowke, Andrews, and Rowland Wilson.

[c] Rushworth, p. 1379.

made, consisted of only seven peers: neither the earl of Northumberland, nor Manchester, nor Warwick were present; and the peers proceeded no further in the business [d].

[d] Journals, Jan. 9. Algernon Sidney, in a letter dated the day following, which is inserted in the quarto edition of his works, calls this a "very seasonable" measure. What was however likely to be the operation of such an ordinance? It is not to be supposed that any king of England would ever be put upon his trial, unless he were first either deposed or a prisoner, in either of which cases his jailors or conquerors must be expected to treat him as they pleased. Such a law would therefore in its own nature be nugatory, *telum imbelle sine ictu*, a threat hung up in idleness, a laughing-stock to him it was meant to control.

Sidney adds, probably with as little reason, "I think, if the commons had not been very hasty in turning the ordinance for the king's trial into an act of their own, the lords are now in a temper to have given their assent, if they had received a second message from us." At all events the house of lords, as it was then constituted, and considered in reference to the commonwealth about to be established, was, what a few days after the king's death the commons voted it to be, useless.

CHAPTER XXVI.

TRIAL OF THE KING.—BRADSHAW APPOINTED PRESIDENT OF THE COURT.—COKE SOLICITOR.—THE CHARGE.—KING DISOWNS THE AUTHORITY OF THE COURT.—WITNESSES EXAMINED.—CHARLES DESIRES TO BE HEARD BY THE TWO HOUSES.—SENTENCE PRONOUNCED.—TAKES LEAVE OF HIS CHILDREN.—HIS DEATH.

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1649. First sitting of the high court of justice.

THE commissioners sat for the first time in the Painted Chamber in Westminster Hall, on the eighth of January. The number of those who met was fifty-three. Fairfax was present at this meeting, and never after[a]. The business of this sit-

[a] A considerable error seems to have crept into many of our historians as to the political and religious sentiments of Fairfax. In his letter to the speaker, accompanying the remonstrance of the army on the twentieth of November, in which the king's being brought to justice as the capital source of all grievances is especially called for, (See above, p. 630,) he says, "I do, at the desire of the council of war, and in behalf of them and myself, intreat that the remonstrance may have a present reading, and that the things proposed in it may be timely considered." He was therefore an advocate for the king's being tried as a capital offender.

With respect to his religious sentiments, Mrs. Hutchinson, who

ting was to nominate counsel and the officers of the court, to order due proclamation to be made in Westminster Hall of the coming trial by the serjeant at arms, and to appoint the second day after their present meeting, for the next sitting. Similar proclamation was ordered by the house

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is the highest and most unexceptionable witness to whom we at present have access, says, Vol. II, p. 101, "The generall's lady was exceeding kind to her husband's chaplains, independent ministers, till the army return'd [in 1647] to be nearer London, and then the presbyterian ministers quite chang'd the lady into such a bitter aversion against them, that they could not endure to come into the generall's presence while she was there, and the generall had an unquiett, unpleasant life with her, who drove away from him many of those friends, in whose conversation he had found such sweetnesse." Lady Fairfax was one of the daughters and coheirs of Horace lord Vere of Tilbury, proud of her noble descent, and was persuaded by the presbyterian ministers, that their religion, which was professed by nearly all the nobility who adhered to the parliament, was the religion for persons of generous rank and blood, while the party of the independents, comprising a countless host of sects, was the fit receptacle only for fanatics and upstarts.

It was lady Fairfax, who is said, on one of the days of the king's trial, when her husband's name was called among the other commissioners, to have exclaimed (Clarendon, Vol. III, p. 255) from one of the boxes appropriated to spectators, "He has more wit than to be there;" and, when the president said that the king was brought before them to answer to a charge exhibited in the name of the people of England, to have interposed (Trial, Fourth Day, Jan. 27), "Not half of the people."

From all this we have a right to infer, that Fairfax, with high military talents, and the kindest and most amiable disposition that almost ever fell to the lot of man, was weaned both from the religious and political connections of his choice, by the ascendancy

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of commons to be made at the Old Exchange and in Cheapside [b].

1649 Bradshaw appointed president.

At their second sitting the commissioners chose John Bradshaw, serjeant at law, and chief justice of Chester, to be president of the court [c]. The chief justice of England, the chief justice of the common pleas, and the chief baron of the exchequer, had been struck out of the original draught of the ordinance; and Whitlocke and Widdrington, the two professional men among the keepers

of his wife. Directed by her, he became first a presbyterian, and finally a royalist.

It is true, that, in the Short Memorials of his Life, published from his manuscript by one of his descendants in 1699, p. 125, he says, "From the time that the council of officers declared their usurped authority at Triplow Heath, I never gave my free consent to any thing they did; but, being yet undischarged of my place, they set my name in way of course to all their papers, whether I consented or not." But in this sort of retractation there is nothing to excite our wonder. The adversaries of Charles I. who survived the Restoration of his son, were peculiarly unfortunate. They were consigned to an ignominious death, or to perpetual imprisonment, or driven into exile. The few whose offences the court consented to overlook, spent the remainder of their lives in retreat and obscurity. There was still one way left, which was to recant every thing in which before they had prided themselves. It was thus that Ingoldsby, who had been the first, with his regiment, in express terms to demand the death of the king (See above, p. 627), was reduced to say, that Cromwel held and guided his hand, when he signed the warrant for the execution. Ingoldsby was therefore made a baronet. Fairfax also became a courtier to the restored sovereign.

[b] Journals, Jan. 9.

[c] Journal of the Trial, by Phelps.

of the seal, were so well known to be averse to the proceeding, that they were not named among the commissioners. To preside on so extraordinary an occasion demanded from the man who was appointed to the office great courage, great presence of mind, sound judgment, a composed and impressive carriage, and a character unstained with reproach or the imputation of any vice.

His character by Milton.

Bradshaw was a relative of Milton by the mother's side, and we have his character as drawn by his kinsman. "Being of a distinguished family, he devoted the early part of his life to the study of the laws of his country. Thence he became an able and an eloquent pleader, and subsequently discharged all the duties of an uncorrupt judge. In temper neither gloomy nor severe, but gentle and placid, he exercised in his own house the rites of hospitality in an exemplary manner, and proved himself on all occasions a faithful and unfailing friend. Ever eager to acknowledge merit, he assisted the deserving to the utmost of his power. Forward at all times to publish the talents and worth of others, he was always silent respecting his own. No one more ready to forgive, he was yet impressive and terrible, when it fell to his lot to pour shame on the enemies of his country. If the cause of the oppressed was to be defended, if the favour or the violence of the great was to be withstood, it was impossible in that case to find an advocate more

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intrepid or more eloquent, whom no threats, no terrors, and no rewards could seduce from the plain path of rectitude [d]."

Coke appointed solicitor.

The counsel chosen to conduct the prosecution were Steele, Coke, Dorislaus and Aske. Steele was named attorney to the court, and Coke solicitor. Steele being prevented from attending the court by real or pretended sickness, the task principally fell upon Coke [e]. It is somewhat singular, that this person in his travels in early life, trod almost exactly upon the steps of Milton. At Rome he spoke so openly against the corruptions of the Catholic Church, that it was not judged safe for him to continue any longer in that place; and at Geneva he resided some months in the house of Diodati, the professor of theology [f], with whom Milton also formed an intimate friendship. His skill as a lawyer was acknowledged by his enemies [g]; and indeed it is impossible to read the speech he drew up for the trial without admiring its strength and acuteness.

King at St. James's.

The preparations for the trial being carefully and judiciously arranged, colonel Harrison was once more sent to fetch the king from Windsor to St. James's, where he arrived on the nineteenth [h].

[d] Defensio Secunda pro Populo Anglicano. [e] Phelps.
[f] Ludlow, Vol. III, p. 69, 70. [g] Trials of the Regicides.
[h] Whitlocke. Rushworth, p. 1395. In the Trials of the Regicides (Trial of Hugh Peters), it is said, that the king came alone in a coach drawn by six horses.

1649. The court opened: members present.

The next day the court sat in Westminster Hall, sixty-seven commissioners being present. Among them were Cromwel, Ireton and general Hammond, lord Grey of Groby, lord Monson, a considerable number of colonels, four baronets, and one alderman of London. No lawyer sat as a judge on the trial excepting Bradshaw, Corbet, Lisle and Say, the two latter of whom were appointed assessors to Bradshaw. Two aldermen sat on the trial, but did not sign the warrant. Lord Lisle never appeared to his summons; and Algernon Sidney, though present on three of the preparatory days, did not sit in Westminster Hall [i]. Skippon

[i] He was present, Jan. 13, 15, 19. Leicester says in his Journal, p. 54, "My two sons, Philip and Algernon, came unexpectedly to Penshurst, Monday, the 22nd, and staid till Monday, the 29th, so as neither of them was at the condemnation of the king."

The name of Algernon Sidney ranks so high among the republicans, that his opinion seems worthy to be distinctly recorded on so memorable an occasion. He says of himself, "I was at Penshurst, when the act for the king's trial passed, and, coming up to town, I heard that my name was put in. I presently went to the Painted Chamber, where those who were nominated for judges were assembled. A debate was raised, and I positively opposed the proceeding. Cromwel using these formal words, 'I tell you, we will cut off his head with the crown on it,' I replied: 'You may take your own course; I cannot stop you; but I will keep myself clean from having any hand in this business.' And, saying thus, I immediately left them, and never returned. This is all that passed publicly. I had indeed an intention, which is not very fit for a letter." Blencowe, p. 237.

It is not perhaps difficult to fix what this intention was. Clarendon says, p. 249, that, among the more violent party against the

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uniformly absented himself. Lambert, Overton, and others were not present, not probably from any indisposition to the cause, but because they were engaged in distant service. The king slept on the nineteenth at St. James's, and was brought the next morning to Whitehall, and from thence by water to sir Robert Cotton's house, nearly adjoining to the place of trial [k].

Speech of Bradshaw.

The court being seated, and the king placed before them, Bradshaw informed him, that the commons of England assembled in parliament, being deeply sensible of the evils and calamities which had been brought on the nation, and the in-

king, there were three opinions; one was for deposing him, another for secret assassination, and a third for bringing him to public trial as a malefactor. It was the last of these opinions that Sidney states himself to have opposed. The mode of secret assassination we well know to have been most alien to his disposition. Beside that it would have argued want of common sense for him to have alluded to such an opinion, if he had entertained it, in a letter which was written, like the above, for the purpose of furnishing his father with arguments to procure his safe return into England. There remains only the opinion in favour of deposition. This of course would have included in it the idea of perpetual imprisonment: which, though it would have implied great moderation at the time of the king's trial, would not have been in good odour at the time of the Restoration, and therefore was "not very fit for a letter." St. John and Vane, as well as Sidney, were adverse to the project for trying and putting the king to death as a malefactor, though most active and determined in the army-party, and favourable to the other designs of the independents.

[k] Whitlocke. Rushworth.

nocent blood that had been spilled, and having fixed on him as the principal author, had resolved to make inquisition for this blood, and to bring him to trial and judgment, and had therefore constituted this court, before which he was brought to hear his charge, after which the court would proceed according to justice [1].

The charge.

Coke then, the solicitor, delivered in, in writing, the charge, which the clerk read. The king endeavoured to interrupt the reading, but the president commanded the clerk to go on, and told Charles, that if he had any thing to say after, the court would hear him. The charge stated, that he, the king, had been intrusted with a limited power to govern according to law, being obliged to use that power for the benefit of the people and the preservation of their rights and liberties, but that he had designed to erect in himself an unlimited power, and to take away the remedy of misgovernment, reserved in the fundamental constitution, in the right and power of frequent and successive parliaments. It then proceeded to enumerate the principal occasions on which, in execution of his purpose of levying war on the present parliament, he had caused the blood of many thousands of the free people of this nation to be shed. And it affirmed all these purposes and this war to have been carried on, for the up-

[1] Phelps.

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holding a personal interest of will and power, and a pretended prerogative to himself and his family, against the public interest, and common right, liberty, justice and peace of the people of this nation [m].—The charge being read, the president demanded Charles's answer.

King disowns the authority of the court.

The king replied in a very grave and collected manner. He observed that, not long before, in the isle of Wight, he had been engaged in a treaty with both houses of parliament, and that the treaty had been very near a conclusion. He knew not therefore by what authority he had been brought there, other than the authority of thieves and robbers. He saw no house of lords in that court, and he affirmed that a king also was necessary to constitute a parliament. He said, that he had a trust committed to him by God, and derived to him by old and lawful descent, and that he would not betray it by answering to a new and unlawful authority. He concluded that, when he was satisfied of the authority by which he was brought there to answer, he would proceed further [n].

His second and third appearance.

The second and third days of the trial were consumed in similar discourses. The court would not allow the authority by which they sat there to be disputed; and the king desired that he might give his reasons. This produced interruption and

[m] Phelps. [n] Additions to Phelps's Journal, by Nalson.

altercation. The president informed him, that the court was satisfied of the authority by which they sat there, and that they over-ruled his demurrer. They then caused the king's contumacy to be recorded, by which he refused to plead before them [o].

His contumacy recorded.

The fourth and fifth days of the trial were employed in hearing witnesses, the court having determined that, though the king refused to plead, they would proceed to this examination, *ex abundanti* only, for the further satisfaction of themselves. The court sat during these days in the Painted Chamber. The sixth day the commissioners were engaged in preparing and voting the sentence with which the trial was to be completed [p].

Witnesses examined.

The sentence taken into consideration.

On the twenty-seventh of January they sat for the last time in Westminster Hall. As the king proceeded along the passages to the court, some of the soldiers and of the rabble set up a cry of Justice, justice, and execution [q]. This exactly corresponds with the spirit of the mutiny which took place in the army in November 1647. These men distrusted the good faith of their leaders; and, seeing that six days had now passed without any conclusion, suspected, as the manner of rude and ignorant men is, that there was some foul play and treachery. One of the soldiers upon guard

Temper of the soldiers.

[o] Phelps.
[p] Ibid.
[q] Whitlocke. Rushworth. Herbert, p. 113.

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said, God bless you, sir. The king thanked him; but his officer struck him with his cane. The punishment, said Charles, methinks, exceeds the offence. The king, when he had retired, asked Herbert, who attended him, whether he had heard the cry for justice, who answered, he did, and wondered at it. So did not I, said Charles: the cry was no doubt given by their officers, for whom the soldiers would do the like, were there occasion[r].

Charles desires to be heard by the two houses.

The court had no sooner sat, and the prisoner been produced, than Charles offered a new proposition to their attention. He desired that, before an "ugly sentence" was pronounced upon him, which was all that now remained of the trial, he might be heard before the two houses of parliament, he having somewhat to suggest which nearly concerned the peace and liberty of the kingdom. The court were inclined to reject this

[r] Herbert, p. 114. Clarendon, p. 255, and Warwick, p. 339, say that one or more of the soldiers spit in his face. But they were at a distance from the scene; Herbert, who was constantly near the king, says no such thing. Whitlocke also, an unexceptionable witness, is silent. In Rushworth, p. 1425, we find the words put into Charles's mouth on the cry of the soldiers, Poor souls! for a piece of money they would do as much for their commanders. But we had occasion to observe, Vol. I, p. 226, how Rushworth's book had been tampered with. This is copied from Sanderson, p. 1132. Milton, *Defensio Secunda*, has given himself the trouble to contradict the tale, that one of the soldiers was destroyed for saying, God bless you, sir. The passion of succeeding times was to run a parallel between the last days of Charles, and the crucifixion of Christ. "Suffering many things like to Christ." Sanderson, *ubi supra*.

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new proposition; but Downes, one of the commissioners, declaring himself unsatisfied, the sitting was broken up, and the court retired to deliberate in private. In half an hour they returned; and, being now unanimous in opinion, sentence was given [s].

Sentence pronounced.

Charles had perhaps in all his intercourses, proposals and answers to his opponents, a different meaning from that which lay on the surface. It is at least clear in the present instance, that a very aukward situation in government would have been immediately produced by a compliance with the king's desire. The ordinance for the trial of the king had been unanimously rejected by the house of lords. The commons had in consequence proceeded to vote, that the people under God are the original of all just power, that the commons' house in parliament, as representing the people, have the supreme power, and that whatever is by them enacted has the force of law, though the consent of king and peers is not added to it. They then passed the ordinance by their single authority: the court for trying the king had been opened under this ordinance, and had proceeded to the very last step in the exercise of its functions.

Difficulties that would have resulted from Charles's proposal.

The house of commons was now so reduced in numbers, and the meetings of the lords had been so small, that it would have been probably easy, for

It would have set aside all that had passed in the trial.

[s] Phelps. Nalson.

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both united, to have heard the king, as he desired, in the Painted Chamber. But what would have been the consequence? He might have offered something very material to their consideration; or his suggestions might have been such, as an impartial and strict examination should have pronounced altogether frivolous. In the last case, equally as in the first, all that had been done since the commencement of the month ran an imminent risk of passing for nothing. The commons had decided that they would proceed in disposing of the king without the lords, and they had done so accordingly. If they admitted the present suggestion, they would virtually have revoked all this. The two houses would have come together to hear the king. They would then have retired to their several chambers, to deliberate. We can easily anticipate in what spirit the peers would have consulted. They had decided that the king should not be tried as a criminal; the commons had determined that he should be so tried. It would have been with an ill grace that the commons, after various negociations, messages, and conferences with the house of lords, should have found themselves reduced, as they might have been, to revote their resolutions of acting without the lords, and reaffirm the proceedings consequent upon these resolutions, which by such negociations and conferences they would have virtually annihilated.

It might have been necessary to recommence proceedings.

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It has been repeatedly said, that, if Charles's desire had been granted, his purpose was to have offered to resign his crown in favour of his son[t]. If such had been the case, why did he not make this offer known in some other way? Surely he was not bound to apply to the two houses of parliament through no other medium, than that of the court which tried him. The offer too would have produced its effect upon persons of all ranks and parties almost as certainly, if promulgated in any other mode, as if stated by him in person in a conference of the two houses. At all events he would have bequeathed to posterity the full knowledge, to what extremity he was willing to advance for the welfare of his people, and to save his country from the stain of regicide.

Rumours that his purpose was to resign the crown.

Improbability of this.

On the twentieth of January, and again on the twenty-seventh, the king desired, and obtained by vote of the house of commons the professional attendance of Juxon, bishop of London[u]. It is somewhat singular that he applied for this favour through the medium of Hugh Peters[v], a man on whom such a torrent of filth was poured in the trial of the regicides.

He is attended by Juxon, bishop of London.

The duke of Richmond, the marquis of Hertford, and the earls of Southampton and Lindsey, as well as the prince elector, his nephew, asked

Declines the visits of the nobility

[t] Nalson. Ludlow, p. 280. Rapin, Hume, &c.
[u] Journals. [v] Whitlocke. Rushworth.

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and obtained leave to visit the king, but he requested to be excused from receiving them [w].

1649. Takes leave of his children.

The day before his death, at his own desire he received the farewel visit of the princess Elizabeth, thirteen years old, and of the duke of Gloucester, who was in the ninth year of his age. "The king kissed them, and gave them his blessing, and setting them on his knees, admonished them concerning their duty and loyal observance to the queen their mother, and the prince that was his successor, with love to the duke of York, and his other relations. He had such pretty and pertinent answers from both, as drew tears of joy and love from his eyes [x]."

Conduct of the prince of Wales and the queen.

At this memorable period none of the princes of Europe offered their intercession in favour of the unfortunate Charles. The republic of the United Provinces alone interposed with their desire that the king's life might be spared [y]. Their embassy to this effect was undertaken at the request of the prince of Wales. The queen also wrote to the house of commons, requesting that

[w] Herbert, p. 118. Leave to the prince elector is entered in the Journals, Jan. 20 and 30; but the names of the above noblemen do not occur.

[x] Herbert, p. 124, 125. The story of the king's charging the duke of Gloucester not to be made a king, and the child's answering, I will be torn in pieces first, occurs first in Sanderson.

[y] Journals of Lords, Jan. 29, Feb. 2. of Commons, Jan. 29, 30

[z] Clarendon, p. 212.

she might have a pass to come over to England, to use her credit with Charles that he might give them satisfaction, or, if she were not permitted to mediate on the part of the nation, that she might at least attend her husband in his extremity. This letter was passed by unread[a].

The warrant for his death issued.

On the twenty-ninth of January it was determined that the open street before Whitehall was a fit place for the execution of the sentence, and the next day was the time appointed[b]. If Charles were to die, the reasons against any delay in a case of this sort were cogent. The warrant therefore was given on the spot, signed by fifty-nine commissioners[b].

He resides at St. James's.

On the evening of Saturday, the twenty-seventh, the day on which the sentence had been pronounced, the king was removed to St. James's, where he slept on Saturday, Sunday, and Monday[c]. At ten o'clock on Tuesday morning, the thirtieth, he passed by the garden of St. James's Palace, through the Park, to Whitehall. He went on foot, guarded by a regiment of foot, and partisans, with drums beating, and colours flying. Juxon, bishop of London, walked on his right hand, and colonel Tomlinson, who had charge of his person, on his left[d]. At Whitehall, he went

Proceeds from thence to Whitehall.

[a] Whitlocke, Jan. 3. Rushworth. Clarendon, p. 243.
[b] Phelps. [c] Herbert, p. 117, 122, 132.
[d] Phelps. Herbert, p. 132, 133. Leicester.

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1649. His death.

up the stairs leading to the long gallery, and so into his bed-chamber. Here he continued one hour, engaged in his devotions. Having received the sacrament, and all things not being yet ready, he was prevailed on to take a bit of bread, and a glass of wine[e]. At one o'clock he passed into the Banqueting House, and so, by a passage broken through the wall, to the scaffold[f]. The nearer parts of the streets were filled on all sides with regiments of horse and foot[g]. No one insulted him; and the soldiers, by their silence and dejected faces, shewed like persons afflicted with the spectacle[h]. The king, finding that he could

[e] Phelps. Herbert, p. 133. Echard says, Two or three dishes of meat were prepared for him, but he refused to dine.

[f] The human mind is unavoidably affected with a certain curiosity as to the precise spot where a great and solemn scene was transacted. In the present case there appears to be no difficulty. In the edition of Stow's Survey by Munday, printed in 1633, p. 496, we are informed, that "King Henry VIII. builded a sumptuous gallerie at Whitehall, and a beautiful gate-house thwart [across] the high street to St. James Parke, and one other arched gate, with a way over it, thwarting [crossing] the street, from the king's gardens [Privy Garden] to the said parke." "The scaffold was erected between Whitehall-gate and the gallery leading to St. James's." Leicester, p. 60. "The king came on the scaffold from the Banqueting House, by a passage broken through the wall," Herbert, p. 135; "the great window being enlarged for the purpose," Sanderson, p. 1136, Winstanley, p. 491; "by a passage made through a window," Heath, p. 218, Echard. This passage is said by tradition to have been through the centre window of the Banqueting House, now Whitehall Chapel.

[g] Phelps. [h] Herbert, p. 134.

not be heard beyond the scaffold, addressed a short speech to Juxon and Tomlinson, denying that he had been in any respect the aggressor in the war. The head of this unfortunate prince was severed from his body at one blow. Such was known to be the vindictive spirit of the royalists, that the very executioners performed their office in a mask [i].

Composedness of his behaviour.

Through the whole of this critical scene, Charles deported himself with great composure, and with a carriage wholly free from affectation. He was undisturbed, self-possessed and serene. The only thing which looks at all otherwise is, that in his passage through the Park, he called on those who attended him to walk faster [k].

[i] "In sailors' clothes, with visards and peruques." Leicester.

[k] Phelps. Heath, p. 217. Lloyd, p. 217. This author says, "He often called on his slow guards, that kept not pace with him, to move faster."

Of all the stories which have been told respecting the execution of Charles, that which is inexpressibly the most absurd, is, that, Fairfax having contemplated the rescue of the king from his impending fate, Cromwel, Ireton and Harrison resolved to defeat his design, by inviting him to join with them in prayer, and Harrison, undertaking to officiate on the occasion, by agreement with the others, drew out his petitions to such a length, that a messenger by and by came in to intimate that the king was dead, which the rest persuaded Fairfax to consider as an answer to their prayer. This story rests on the single authority of Perinchief. Now Fairfax was a man of eminent abilities, and, unless we except Cromwel, the most consummate military character in England. He had been for years at the head of the army, and had passed through that period with universal respect. His only fault was that

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A committee of the house of commons was appointed to consider of whatever related to the

His funeral.

he too easily yielded to the persuasions of those he loved. We need not doubt that lady Fairfax wished to save Charles's life, a subject on which the presbyterian ministers, her friends, were uncommonly earnest; and it is possible that she had some conversations with her husband as to the practicability of effecting a rescue.

But let us suppose the most. Let us suppose that lord and lady Fairfax had seriously entered into a design of this sort. Let us suppose, as Perinchief says, that he "had, as is credibly reported, taken up some resolutions, with his own regiment, though none else should follow him, to hinder the execution." Would he not have made some effectual arrangements to accomplish his purpose? In this case there were a variety of persons interested in the undertaking; Fairfax himself, lady Fairfax, and the principal officers, if not the private soldiers, of his regiment. Would they all of them have been deceived in a matter of such notoriety? Fairfax was never taken by surprise in any of the multiplied events of his campaigns. Could he, and all those who were in concert with him, be blind and misinformed in such matters as the erection of the scaffold, the assembling of the troops that surrounded it, and the fatal march of the king from St. James's through the Park to Whitehall? The sentence was executed in the open street before Whitehall: the concourse of the spectators was innumerable: and yet Fairfax alone, who had prepared his regiment, and digested his plan, remained in ignorance of all, till the final blow had been struck.

Many stories, to the disadvantage of Cromwel's demeanour at this time, are contained in that depository of all slanders, the Trials of the Regicides: among others, that he and Henry Marten blacked each other's faces in sport, with the ink provided for signing the warrant. In opposition to the idea of Cromwel's being a man that delighted in blood and cruelty, it may be well to quote the opinion of Perinchief, in the Preface to a book, entitled, The Life of Agathocles, the Sicilian Tyrant, written on purpose to defame the character of the English usurper. The evidence of an enemy in a case of this sort has a double value. "In nothing

corpse [1]; and, a few days after, it was delivered to Herbert, and another person, who had been appointed by parliament to attend the king during his

more doth the ancient (Agathocles) seem to exceed the modern tyrant, than in his cruelty: yet even this is not imputable to a more tender sense of humanity in one than the other, but to a fear of losing the emoluments of that more powerful and prosperous cheat, the pretension to sanctity; which being to be shadowed with a seeming meekness, would have been too plainly discoloured by too frequent effusions of blood. But if when we would censure the crime, we consider not only the quantity, but the worth of the blood, the Sicilian will not appear more odious than the other. Since the blood of a pious, just and lawful king, spilt with so much dishonour to religion, and contumely to justice, lays a more heavy guilt in the eyes both of God and good men, than rivers of plebeian gore."

It is difficult to arrive at any thing like truth in the perusal of these trials. The government, that ordered the bodies of Cromwel, Ireton and Bradshaw, to be digged out of their graves, and hanged at Tyburn, and that even took the immortal Blake from his tomb in Westminster Abbey, to cast him indiscriminately with a multitude of others into a common pit, was beyond all things anxious to overwhelm the regicides with detestation. The accused were, after a long close confinement, suddenly brought into court, without the assistance of friends or counsel. The witnesses were, many of them, profligates, deserters from the ranks of the anti-royalists, and whose object it was to save their own lives, or secure to themselves some future favour. The prisoners could call no counter-evidence, without nearly involving their witnesses in their own danger. They were supported, beyond almost any men we find on record, by the consciousness of rectitude: they relied upon the good opinion and unshaken attachment of those they loved and honoured; and, scarcely deigning to contradict the foul untruths that were heaped upon them, they suffered, with unaltered courage, the stream of insolence and invective they were brought there to endure, to flow on unheeded.

[1] Journals, Jan. 31.

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confinement [m]. On the eighth of February it was voted, that the place of interment should be Windsor, that it should take place on the following day, that the duke of Richmond, the marquis of Hertford, the earls of Southampton and Lindsey, and the bishop of London, should be allowed to attend, and that a sum not exceeding five hundred pounds should be provided for the funeral [n]. The body was finally deposited in a vault under St. George's chapel at Windsor, which already contained the remains of King Henry the Eighth [o].

[m] Herbert, p. 138. [n] Journals.

[o] This point, which had been the subject of various doubts and conjectures, was at length set at rest by sir Henry Halford, who, by order of George the Fourth, when regent, opened the coffin of king Charles, and published an account of what he saw.

A few days after Charles's death the celebrated book was published, called Eikon Basilike. As it was received almost without an exception as the genuine work of the king, it gave its full complement in the apprehension of his partisans to the idea that he had died a saint and a martyr. On the controversy as to the genuineness of this book as the production of the king, I will merely quote a letter of Gauden bishop of Exeter, written to Clarendon, lord chancellor of England, and dated 21 January, 166$\frac{9}{1}$, and the comments of an author whose book was published in 1824.

The bishop expresses himself thus. "I once presumed your lordship had fully known that arcanum; for so Dr. Morley [lately named bishop of Worcester] told me at the king's first coming, when he assured me the greatness of that service was such, that I might have any preferment I desired. The king and the duke of York I have already acquainted with it. Nor do I doubt but I shall, by your lordship's favour, find the fruits as to something extraordinary, since the service was so. Not as to what was known to the world under my name, but what goes under the late blessed king's name, the Εικων, or Portraiture of his Majesty in his Solitudes and

CHAP. XXVII.

Judgment to be made of the death of Charles.

Respecting the death of Charles it has been pronounced by Fox, that "it is much to be doubt-

Sufferings. This book and figure was wholly and only my invention, making and design, in order to vindicate the king's wisdom, honour and piety. I sent the copy of it to the king in the isle of Wight by the favour of the late marquis of Hertford, which was delivered to the king by the now bishop of Winchester." Clarendon State Papers, Vol. III, Appendix, p. 29.

The following are the ingenuous and forcible reasonings of Dr. Wordsworth on the affirmative evidence deducible from this passage, in a work entitled, Who wrote Εικων Βασιλικη? p. 42, 43, 44. "Whether Clarendon enquired further, or kept the secret solely between himself and Gauden, in either side of the alternative this meaning at least his silence must convey—with all the helps Gauden had put into his power, he could not have found out that the claim was really groundless. In that event, what a burst of indignant scorn would the groveling prelate have had to sustain under the eye of the virtuous statesman!—But it is not merely the wickedness of Gauden [that must fill us with astonishment] if his claim were a false one. Can any thing, on that supposition, equal his folly? Is it possible that so much senseless fatuity, and determined dishonesty, should meet in the same individual? To what incredible sudpositions are we reduced, if his claim was not true? How was it possible he should escape detection? Did he hope that Clarendon would never enquire of Duppa [bishop of Winchester], or of Morley? Did he expect to gain his point before their answers should arrive? And after, would he be content to make up his choice for the bad part [wealth, with ignominy], and care nothing about the rest? Or are we to suppose that, in making this claim, he was wholly abandoned by all self-possession and self-control, morally and intellectually deranged; reason and conscience for the time being utterly overwhelmed and lost, through the furious passions of pride, envy, avarice, and ambition?"

Such is the amount of affirmative evidence arising from Gau-

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Sentiments of Fox.

ed whether his trial and execution have not, as much as any other circumstance, served to raise the character of the English nation in the opinion of Europe in general [p]." And he goes on to speak with considerable favour of the authors of that event.

One of the great authorities of the age having so pronounced, an hundred and fifty years after the

---

den's letter. To this evidence, built on the nature of man, and the principles of human action, the author of the book I have quoted opposes a multitude of vague and obscure testimonies, and petty likelihoods and seemings. But his main argument for the negative, is apparently founded in the high-church reverence with which he contemplates the virtues and great qualities of the king, and can have little weight with those who do not participate with him in that source of partiality and error.

Gauden was translated to the see of Worcester, 10 June 1662. The Third Volume of the Clarendon State Papers, from which the above passage is extracted, was not published till 1786, and consequently till that time the evidences of Gauden's claim were not completely before the world.

To have done at once with the forgeries respecting king Charles. —There is a doggrel copy of verses in triplets, that first appeared in Burnet's Memoirs of Hamilton, 1677, under the title of "Majesty in Misery," in which the king is made to talk of his "grey, discrowned head," and on which Hume remarks, "the truth of the sentiment, rather than any elegance of expression, renders the verses very pathetic." Dr. Wordsworth has built an ingenious argument in favour of the Eikon, on the circumstance that to these verses, as well as to the Eikon, is appended the postille, "*Vota dabunt quæ bella negarunt.*" He says, it is not possible that Gauden should have borrowed the motto from these verses, "which were not known to the world for many years after Gauden's death:" but he does not advert to the possibility that the author or publisher of these verses, said to be written at Carisbrook, might have copied the motto from

[p] History of James the Second, p. 16.

deed, it may be proper to consider for a little the real merits of the actors, and the act. CHAP. XXVI.

the Eikon, as, in Burnet's publication, p. 380, the frontispiece is copied from that book.

But the verses themselves afford the most decisive evidence of their own imposture. In the second stanza the king speaks of his tongue, "that ever did confine Its faculties in truth's seraphick line." In the eleventh and twelfth, he says,

> The pulpit is usurpt by each impostor,
> *Ex tempore* excludes the *Pater noster*.
> The presbyter and independent seed
> Springs with broad blades, to make religion bleed:
> Herod and Pontius Pilate are agreed.

In the nineteenth, he expresses his "fear they'll force him to make bread of stones." The twentieth and twenty-first run thus:

> My life they prize at such a slender rate,
> That in my absence they draw bills of hate,
> To prove the king a traitor to the state.
>
> Felons obtain more privilege than I;
> They are allowed to answer ere they die;
> 'Tis death for me to ask the reason why.

Now these stanzas could not be written at Carisbrook. The ordinance for Charles's trial, the only thing that could be called a "bill, to prove the king a traitor to the state," was not named in parliament till December 28, and he finally left Carisbrook for Newport in order to the treaty, in September. And the circumstance of his being interrupted by Bradshaw, and not permitted to proceed, occurred January 22; so that he must have written about it at Carisbrook in the spirit of prophecy. The commissioners for the treaty left the isle of Wight, the day before the king was removed from it on the first of December: we may be sure therefore that up to that time he did not think of not being "allowed to answer ere he died."

Nothing is more evident in every line, than that the writer of these verses intended a Threnody for the king, and never dreamed of

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Guilt of Charles.

It is not easy to imagine a greater criminal than the individual against whom the sentence was awarded. And, when we say this, we will not enter into the metaphysics of crime, or decide in this place how far a man, when he is doing a great mischief, may persuade himself that he is acting virtuously, or even be under the influence of upright and benevolent motives, nor how far it is possible for any man to act otherwise than he does, and consequently how far he who inflicts great evil on his fellow-creature, may not be more properly an object of pity, than of anger.

We will understand the terms in their common acceptation, without any thought, while we are considering this portion of history, of changing the judicial *dicta* which have in almost all instances governed the decisions of communities and states.

Nature of crime considered.

Crime then is that act of a human being, in possession of his understanding and personal freedom, which diminishes the quantity of happiness and good that would otherwise exist among human beings; and the greatness of a crime consists in the extent to which it produces this effect. Liberty is one of the greatest negative advantages

Nature of the crime which Charles committed.

passing them for the king's composition. In this sense they were no forgery: but in the sequel they assumed that character, from the pious zeal of Burnet, and his "very worthy" nameless friend, who "avoucheth it to be a true copy, transcribed by him from the original" in the king's hand-writing.—The curious reader will find the verses in Percy's Reliques, Vol. II.

that can fall to the lot of a man: without it we cannot possess any high degree of happiness, or exercise any considerable virtue. Now Charles, to a degree which can scarcely be exceeded, conspired against the liberty of his country. To assert his own authority without limitation, was the object of all his desires and all his actions, so far as the public was concerned. To accomplish this object he laid aside the use of a parliament. When he was compelled once more to have recourse to this assembly, and found it retrograde to his purposes, he determined to bring up the army, and by that means to put an end to its sittings. Both in Scotland and England, the scheme that he formed for setting aside all opposition, was by force of arms. For that purpose he commenced war against the English parliament, and continued it by every expedient in his power for four years. Conquered, and driven out of the field, he did not for that for a moment lose sight of his object and his resolution. He sought in every quarter for the materials of a new war; and, after an interval of twenty months, and from the depths of his prison, he found them. To this must be added the most consummate insincerity and duplicity. He could never be reconciled; he could never be disarmed; he could never be convinced. His was a war to the death, and therefore had the utmost aggravation that can belong to a war against the liberty of a nation.

Particulars of which it was composed.

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Propriety or impropriety of the sentence pronounced.

Example the purpose of punishment.

Was the death of Charles justifiable on that principle?

Was the restoration of the monarchy probable?

The great object of punishment upon the principles of jurisprudence, seems to be example, the deterring others from the perpetration of crime. It has been observed however, that there was no use in this instance in making an example, since the men by whom Charles was tried and condemned, had determined that there should be no more kings in England [p]. But this objection is more specious than solid. The persons who had formed this resolution, well knew that their will was not omnipotent. They constituted but a small portion of the nation. The royalists were still numerous, and were more bent on their object than ever. The presbyterians were probably more numerous than the royalists, to the full as much exasperated against the present government, and fixed upon their scheme of a limited and presbyterian monarchy. It is idle to say, because the present ruling party is resolute for a republic, that there never shall be a king in the country. And the example to be made, might be fully as effective against an aspirant, as against a king in possession. The proper lesson taught by the act of the thirtieth of January, was that no person, however high in station, however protected by the prejudices of his contemporaries, must expect to be criminal against the welfare of the state and community, without retribution and punishment.

Lesson read to mankind by this act.

[p] Fox, p. 14.

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Effects that resulted from it, opposite to the designs of the actors.

The event however sufficiently proved that the condemnation and execution of Charles did not answer the purposes intended by its authors. It did not conciliate the English nation to republican ideas. It shocked all those persons in the country who did not adhere to the ruling party. This was in some degree owing to the decency with which Charles met his fate. He had always been in manners, formal, sober and specious. And the immediate publication of the Eikon Basilike, an event that could not have been foreseen, gave force to these ideas. The first magistrate in England had at all times been placed at a distance above the rest of the community. As Shakespear expresses it,

> There's a divinity doth hedge a king,
> And treason can but peep to what it would.

The notion was every where prevalent, that a sovereign could not be called to account, could not be arraigned at the bar of his subjects. And the violation of this prejudice, instead of breaking down the wall which separated him from others, gave to his person a sacredness which never before appertained to it. Among his own partisans the death of Charles was treated, and was spoken of, as a sort of deicide. And it may be admitted for a universal rule, that the abrupt violation of a deep-rooted maxim and persuasion of the human mind, produces a reaction, and urges men to hug the maxim closer than ever. I am afraid, that

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the day that saw Charles perish on the scaffold, rendered the restoration of his family certain.

Judgment to be made of the persons who conducted it.

From the action however of putting the king to death, let us turn our thoughts to the actors. And here we cannot, without great injustice, withhold from them a considerable degree of praise. They must, more or less, have been under the influence of public spirit. It may be doubted whether even Cromwel as yet had conceived the idea of his usurpation. And not more than one person could have gained much personal advantage by the death of Charles, more than they might have gained under a limited monarchy.

Their public spirit and disinterestedness.

Sentiment by which they were actuated.

They deemed it an awful act of justice they had to perform. The engagement of a king to his people is infinitely the most solemn, and pregnant with the most various and lasting consequences, of any that can be contracted by a human being to his fellows. God knows how often it has been trifled with, violated and trampled upon, and how seldom it has been recollected by the contracting party, when the day of contract has passed away, and the emolument and power that go with the engagement have once been consigned and made over. They felt that it was the part that had fallen to them, to exhibit to the kings of the earth, and through them to all succeeding generations of men, a terrible example. Charles was to stand publicly before his constituted judges; and, once for all, a

monarch was to be called upon to give an account of the things he had done in the period of his delegated authority.

Their courage.

To have voluntarily consented to sit in judgment on the king, was undoubtedly an act of considerable courage. The first evil to have been rationally apprehended by king Charles's judges, was assassination. The first person who in this way fell a victim to the hatred and fury of the royalists, was Rainsborough in the preceding October. To judge truly on this point, we must recollect the character of too many of the cavalier party. It is thus drawn by one of the most zealous of Charles's advocates. "Profaneness and impiety in some of our side hath weakened us, and aided our enemies. Hence is the source of our sorrows, and of their good success. Never any good undertaking had so unworthy attendants, such horrid blasphemers and wicked wretches, as ours hath had: I quake to think, much more to speak, what mine ears have heard from some of their lips. But, without all question, neglect of religion, and want of discipline, hath weakened and undone the king's armies [q]." The celebrated Boyle congratulated himself that he was prevented from joining the royal army in the campaign of 1644: for, "had he done so, though there were, beside the excellent king himself, divers eminent divines, and many worthy persons of several ranks; yet the

Temper and dispositions of the royalists stated.

[q] Symmons, Vindication of King Charles.

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generality of those he would have been obliged to converse with, were very debauched, and apt, as well as inclinable, to make others so[r]." Furious party rage, when combined with a gross deficiency of principle, has no doubt a strong tendency to produce the disposition to assassinate.

Severity of the struggle in the field in 1648.

But, beside this, let us consider what was the state of parties and political opinions at the time of Charles's trial. The year 1648 had been perhaps the most critical year of this eventful struggle. Never had England been so thoroughly convulsed; never had war and insurrection spread their ramifications so widely through all its wapentakes and hundreds. The royalists, urged on by rage and despair, had run to arms in all quarters. Republicanism had unveiled its detested face through the nation; and regicide was a common topic of conversation and debate. The presbyterians were not less driven to the utmost extremity of their patience and endurance. The campaign of 1648 was of a mixed character; and, had not the presbyterians been so jealous of the cavaliers, and the cavaliers been thoroughly impregnated with detestation of the presbyterians, it might have had a very different termination. The two extremes neutralised and destroyed each other.

Severity of the civil struggle at that time.

The complexion of parliamentary proceedings at this time was not less memorable and critical. In the beginning of the year the independents had

[r] Boyle, *apud* Birch, Life of Boyle, p. 50.

had the superiority; but their authority, so far as depended on the number of votes, hung by a thread. The presbyterians had had the majority in the preceding year; and it was only by the march of the army to London, and the expulsion of the eleven members, that their ascendancy had been taken away. In April 1648 it was restored. They had to a considerable degree acted their pleasure from April to the beginning of December, when the army recovered its authority through the violent measure executed by colonel Pride.

Courage displayed by the ruling individuals.

What party then was finally to predominate? The independents now held the helm of affairs: how long was that state of things likely to continue? By whatever party they were displaced, they well knew that the crime of sitting in judgment on Charles, and signing the warrant for his execution, would be visited with the severest vengeance. They knew that they held their lives in their hands. When they gave judgment against the king, they at the same time pronounced sentence on themselves. They could not with any security calculate on the impunity of eleven years and four months, which they ultimately reaped. But they had engaged in a great cause, and they would not draw back. Their cause might triumph for ever; and no doubt the most sanguine of them felt a deep persuasion that it would. Such is human nature, that, when what we believe to be right has through severe contentions been established, we cannot figure to

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ourselves that what has thus been done, will ever be undone. But they could not be so infatuated and so blind, as not to perceive the many probabilities there were that the business would have a different issue. In that case they consented to sacrifice their lives on the altar of their country.

Pusillanimous character of some of the king's judges.

But we must not be so unreasonable as to imagine, that the judges who sat on the life of the king, were all men of heroic resolution. There were certain men among them by whom the business was planned, and who firmly entered into the execution of it. There were others, who had had no part in framing the measure, but who, when it was proposed to them, willingly devoted themselves in the affair, with no less resolution than that of the men, who had first conceived, or first proposed it. But there was also a portion of the king's judges, who cooperated from timidity, had no will to the business, but had not the courage to refuse those by whom they were pressed into it. The men, who after the Restoration of Charles the Second, sought to save their lives, and did save them, by professions of repentance and contrition, whatever praise is due to their late-found loyalty, were certainly not heroes.

END OF VOLUME THE SECOND.

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