was recommended, to consider of taking away the oaths of allegiance and supremacy, enforced upon the subject before they could be made free of the city.

During these transactions, the council of officers were deeply engaged in considering a scheme of government, called "The Agreement of the People." It contained, with many additions, the substance of those demands, which, in the name of the army, had been presented to the house by colonel Liver. It was the darling plan of the soldiery; for this they had threatened to divide from their officers; and for this, when it crossed his private views, the agitators, by the influence of Cromwell, had suffered *

Petitions now daily poured in from the garrisons and other parts, for speedy and effectual justice on all delinquents. Even the county of Somerset, which had distinguished itself for its attachment to the King, presented a petition desiring that justice might be done on the chief delinquents †. The county of Norfolk, yet

* This agreement of the people had been recommended to the Commons in several petitions from the Independents, and was stigmatized by that house as destructive to the being of parliaments, and to the fundamental government of the kingdom. The Independents still persisting in the presenting petitions on the same subject, several of those who carried them up were committed to prison; and an ordinance passed. That no person who had contrived, abetted, persuaded, or entered into that engagement entitled "The Agreement of the People," should be elected into the mayoralty of the city of London, or any other subordinate office in the said city, or should have any voice in the election of the officers for the space of one whole year.
† The Presbyterians, in their propositions, had indulged the King with the exception of seven only of his party from mercy; but to this ill-deserved lenity the Independents in
Ann. 1648. more explicit, requested that justice should be
done on the King. Pursuant to the demands of
these petitions, and the repeated requests of the
army, the Commons appointed a committee of
thirty-eight to draw up a charge against the King.
On their report, a vote passed, declaring it trea-
son in a King to levy war against his parliament;
and a special commission was appointed to try the
delinquent monarch on these grounds. The de-
clarative vote and ordinance for the King's trial,
were rejected by the Lords without a negative
voice; but on the fond hope that by an evasive
conduit they should obstruct the career of pro-
cedings, they forebore to send down their deter-
minations to the Commons, and adjourned for
ten days. The Commons, jealous of their inten-
tions, ordered their journals to be examined;
when, on finding the ordinance utterly rejected,
they voted, That all members of the house of
Commons, and others appointed by order of
that house, or any ordinance wherein the Lords
are joined, are impowered to sit and execute in
the said several committees of themselves, not-
withstanding the house of Peers refuse to join
with them; and the names of six lords who had
been appointed of the special commissin were
left out.—Nor was this all the resentment the
Commons expressed at the non-compliance of the
Lords in this capital point, nor of the high and
uncontrollable capacity in which they acted as
the elected representatives of the people. By
the following votes they abolished the negative
voice of King and lords, and established a prin-
ciple, which, though obviously founded in truth,
in the house had made great objections. *Parl. Hist.* vol.
XVIII. p. 85.
has ever been obstinately denied by authority: Ann. 1648.

“Resolved, that the people under God, are the origin of all just power. Resolved, That the Commons of England assembled in parliament, being chosen by and representing the people, have the supreme authority of the nation. Resolved, That whatever is enacted and declared law by the Commons of England assembled in parliament hath the force of law, and all the people are included therein, although the consent and concurrence of the King and house of Peers be not had thereunto.”

During the preparative measures to bring the King to a trial, he, by direction of the army, was removed from Hurst-Castle to Windsor*:

* In the King’s remove to Windsor, a design was laid for his escape, by means of shifting his house for a fleet one of the earl of Newburgh, at whose house he dined; but, by the vigilance of major-general Harrison, who commanded the party which guarded the King, it was prevented. The same vigilance, attended with the same success, in Hammond and in Rolph, the officer immediately under him in command, was so retailed by Charles’s partizans, that one Osborne, who had been won over by his careness, and who was detected in contriving the means of his escape, accused Rolph, and by insinuation the governor Hammond, with a design to poison him. Though the charge was regarded as a very malicious one by all but the bigot of the royal party, and though the King himself acknowledged, that, as touching the preservation of his person from poison, or any other design against his life, he was so confident of the honesty and faithfulness of the governor, that he thought himself as safe in his hands as if he was in the custody of his own son, yet the Lords appearing very forward in the business, Osborne was discharged from the custody to which he had been committed for endeavoring the King’s escape, and left at large to prosecute Rolph, who was sent to the Gatehouse, and against whom an impeachment was ordered to be drawn. The matter was afterwards referred to the proper court, and Rolph was acquitted by a jury of his peers—a circumstance which offended highly the bigotted royalties; and in particular
by the same authority every symbol of royalty was withdrawn, and it was commanded that he should be served by his attendants without ceremony. Even in this alarming situation, he was little apprehensive of his approaching fate; still retained the opinion of his importance; never suffered himself to believe it possible that his enemies would venture to proceed to a public trial and execution; and in his conversation was so imprudent as to declare, before his guards, that he expected deliverance by a foreign power.

From the second of January to the nineteenth of the same month the terms of the important trial had been adjusting. The special commission was composed of the prime officers of the army, several members of the lower house, and several citizens of London: it consisted of one hundred and thirty-three persons *, and was nominated the High-Court of Justice. Bradshaw, a lawyer of note, was by his fellow commissioners elected president; Coke was appointed solicitor for the people; Doriflaus Steele and Ask, assistants to the court; Westminster-Hall was fitted up for their sitting; and the ceremony with which the whole transaction was conducted, corresponded in pomp and dignity to the singular, the great occasion: a sovereign prince brought before the tribunal of his own subjects, and tried by their delegates for his misgovernment and breach of trust. Dendy, the serjeant at arms to the house

* Though there were one hundred nominated to the high-commission, there was not above fifty odd who had courage enough to engage personally in the daring office.
of Commons, by beat of drum and sound of trumpet, had, in the Palace-Yard at the Old-Exchange, and in Cheapside, proclaimed to the people the time when the commissioners of the high-court of justice commenced their sitting; and that all those who had any thing to say against the King would be heard.

On the twentieth of January, the commissioners proceeded in state from the Painted Chamber to Westminster-Hall. Colonel Humphry carried the sword before the president, serjeant Dendy the mace, and twenty gentlemen (commanded by colonel Fox) attended as his guard of partizans. The royal prisoner, who, for the purpose of his trial, had been removed from Windsor to St. James's, was by a strong guard of musqueteers conveyed by water to Westminster-Hall. A chair of crimson velvet was prepared for him within the bar, and thirty officers and gentlemen waited with halberts behind it. The solicitor of the Commons, in his charge against the King, represented, That Charles Stewart, being admitted King of England, and entrusted with a limited power, had, with the wicked design to erect an unlimited and tyrannical government, traitorously and maliciously levied war against the people and their representatives: That, on the behalf of the people, he did, for this treasonable breach of trust, impeach him as a tyrant, a traitor, a murderer, and a public and implacable enemy to the commonwealth.

On the conclusion of the charge, the King demanded by what authority he was brought before that court *? He told the commissioners to re-

* Ludlow says, that the King interrupted the clerk whilst he was reading, and exclaimed, "I am not entrusted by

\[\text{Vor. IV.} \quad C \quad \text{my} \]
member he was their King, their lawful King, and to beware of the sins with which they were going to stain themselves and the land. He was answered by the president, that he was tried in the name and authority of the parliament assembled, and the good people of England. Charles objected, that both King and house of Lords were necessary to constitute a parliament: He had a trust, he said, committed to him by God, by old and lawful descent; and he would not betray it to answer to a new and unlawful authority: He again bade the commissioners remember he was their hereditary sovereign; and that the whole authority of the state, when free and united, was not entitled to try him, who derived his dignity from the supreme majesty of Heaven: That, admitting those extravagant principles which place the origin of power in the people, the court could plead no authority delegated by the people, unless the consent of every individual, down to the meanest the most ignorant peasant, had been previously asked and obtained*: There was no jurisdiction on earth could try a King: The authority of obedience to Kings was clearly warranted and strictly commanded both in the Old and New Testaments: This, if denied, he was ready instantly to prove; “Where the word of a King was there was power, and who might say unto him, what dost thou?” He owned, he said, he was entrusted; a sacred trust had been committed to him by God, the liberties of his people, which he would

mv people; they are mine by inheritance.” Ludlow, p. 107.

* This argument is mere sophistry; since the sense of the people in their collective capacity, never can come to any determined conclusive point, unless the sense of the majority is binding to the whole.

not
not betray by recognizing a power founded on Ann. 1648. violence and usurpation: He had taken arms, and frequently exposed his life, in defence of public Liberty, in defence of the constitution, in defence of the fundamental laws of the kingdom, and was now willing to seal with his blood those precious rights for which he had so long in vain contended. To the King's extravagant assertion, that he had taken up arms to defend the Liberty of the constitution, and that he now pleaded for the rights and freedom of all his subjects, the president returned, "How great a friend, Sir, you have been to the laws and liberties of the people, let all England and the world judge: Your actions have sufficiently declared it, and your meaning has been written in bloody characters throughout the kingdom." The court was reminded by the prisoner, that the laws of England determined the King could do no wrong; however, he was able, he said, by the most satisfactory reasons, to justify his conduct; but must forego the apology of his innocence, left, by ratifying an authority no better founded than that of robbers and pirates, he should be justly branded as the betrayer, instead of applauded as the martyr, of the constitution.

Three several days the King was produced before the court, and as often urged to answer to his charge. The fourth, on his constantly persisting to decline its jurisdiction, the commissioners after having examined witnesses *, by whom it was

* One of these witnesses gave an evidence of the King's want of sincerity in his last treaty with the parliament, at Newport, in the Isle of Wight. The witness, Henry Goode, deposed, That having access to, and discourse with the King, at Newport, he told him that since his majesty had justified the parliament's taking up arms, he did not question but the
proved that the King had appeared in arms against his people, proceeded to pronounce sentence against him. Before the passing sentence Charles earnestly desired to be admitted to a conference with the two houses: he had something to propose, he said, which he was sure would be for the welfare of the kingdom and the liberty of the subject. It was supposed that he intended to offer to resign the crown to his son; and some of the commissioners pressed that he might be heard. This was not the opinion of the majority; and the commissioners returning from the court of Wards, where they had adjourned to consult on the king's proposal, acquainted the prisoner, that his request was considered as a delay of justice. The president passed sentence of death, by severing the head from the body; and all the members of the court stood up in token of approbation.

An example of justice, from which they had ever regarded their rank to be totally exempt, awakened in every sovereign prince a sense of horror and indignation; whilst political reasons, of a different nature, inclined them to endeavor to prevent the change of government in England. The French court was now sincere in their interposition for favor to the King; and the Dutch employed very earnest intercessions for the presbyterian party would flock close to him; that to this the King had replied, he would have all his own friends know, that, though for the present he was contented to give the parliament leave to call their own war what they pleased, yet he neither did then, nor should decline the justice of his own cause. Moreover, upon the deponent's saying his majesty's business was much retarded through want of commissions, the King made answer, that being upon a treaty, he would not dishonor himself; but if the deponent would go over to the prince his son, who had full authority from him, he or any for him should receive whatever commissions they should desire. Rushworth, vol. VII. p. 1413.
vation of his life. All solicitations were found vain. The Scots fruitlessly exclaimed and protested; the prince wrote an ineffectual letter to the army, and the queen to the parliament. Three days only were allowed the King between his sentence and his execution *. This interval he passed in reading and devotion; and preserved, from the time when his intended fate was known to him, to his last moment, a perfect tranquility and composure; nor can his bitterest enemies deny, that in his conduct under the dreadful apprehension of a violent death was united the magnanimity of heroism with the patience of martyrdom.

To mark to the gaping multitude the triumph of popular justice over royal rank, the scaffold for execution was erected before the palace at Whitehall; care was taken that it should be sufficiently surrounded with soldiers, to prevent disorder or interruption; and the King, finding himself shut out from the hearing of the people, addressed a speech to colonel Tomlinson, the commander of the guard, in which he attempted to justify his innocence in the war he had levied, termed it defensive, accused the parliament of having first enlisted forces †, and averred that he had no other object in his military operations than to

* Ciement Walker a petulant writer of the Presbyterian party, in his History of Independency, has propagated the following calumny on the parliament and army: 'That they lodged the King in an apartment at Whitehall, so near the destined place for execution that his retirement, and even rest, were disturbed with the noise of the workmen employed in framing the scaffold; whereas, in fact, the King remained at St. James's till the very morning of his execution, when he walked across the park, and from thence was carried in a coach to Whitehall.

† See on this subject, vol. III. of this History, p. 273, & sq.
preserve entire that authority which had been transmitted to him by his ancestors; insisted on a perfect innocence towards his people; observed, that the unjust sentence now inflicted on him was an equitable return for that which he had suffered to be inflicted on Strafford; forgave his enemies; and exhorted the people to return to the paths of obedience, and submit to the government of their lawful sovereign, his son and successor. Bishop Juxon, whose attendance (though a cold inanimate speaker, and very incapable of raising the thoughts beyond their natural bounds) the King had very particularly and earnestly desired *, remembered his master, that the people would expect him to make some declaration on the point of religion: On this the King very earnestly protested, that he had ever lived, and now died in the religion of the church of England. Whilst he was preparing for execution, the bishop poured out a few insipid lifeless exhortations: To these the King returned, "I go from a corruptible to an incorruptible crown, where no disturbance can have place." Then laying his head upon the block, the executioner (whose face was concealed in a vizard) severed it with one stroke from the body:

* Ludlow tells the following anecdote of this bishop: When the doctor was acquainted with the King's condition and desires, he, being altogether unprepared for such a work, broke out into these expressions; "God save me! what a trick is this that I should have no more warning, and I have nothing ready!" But recollecting himself a little, he put on his scarf and his other furniture, and went to the King; where having read the Common-Prayer and one of his old sermons, he administered the sacrament to him, not forgetting to use the words of the confession set down in the Liturgy, inviting all those who truly repent to make their confession before the congregation then gathered together, though there was no one present but the King and himself. Ludlow, p. 109.
dy: an assistant (in the like disguise) held it up to the spectators, streaming with blood, and, after the usual manner observed in similar executions, cried aloud, "This is the head of a traitor."

Thus, by a fate unparalleled in the annals of princes, terminated the unfortunate life and turbulent reign of Charles Stewart; a monarch whose principles, conduct, fortune, and death, by powerfully engaging the opposite affections attending the different views and different interests of men, have given rise to bitter and irreconcilable contest. Regarded as the martyr to church* and state, the patron of the clergy, the support of the nobility, we behold him, in the representations of a considerable party, adorned with every flower of panegyric: By the bigots of a different persuasion, his memory, notwithstanding the tribute he paid to his crimes, is held in the highest detestation. The partizans of Liberty applaud his fate; the liberal and humane condemn and pity him: To a mind softened by habits of amusement, and intoxicated with ideas of self-importance, the transition from royal pomp to a prison, from easy, gay, and luxurious life to a premature and violent death, by the hands of an executioner, are punishments so sharp and touching, that, in the suffering prince, we are apt to overlook the designing tyrant, to dwell on his hardships, and forget his crimes. Compassion is the constant attendant of liberal minds; and

* The opinion of Charles's dying a martyr to the church is grounded on his refusing to give satisfaction, on this article, in his last treaty with the parliament; but, if there is any credence to be given to Lilly, the King would have signed the propositions in the form sent down to him, had he not been diverted from it by the lord Say, on the hopes that the parliament would conclude with him upon easier terms. Lilly, p. 72, & seq.
the commisseration of Charles's singular and unfortunate fate, but for the interests of truth and the violence of his partizans, would have inclined all such to have thrown the mantle of oblivion over the dark parts of his character, and only to have remembered that he bore his sufferings in a manner which would have done honor to the best cause. From such indulgence the ill-fated Charles is necessarily excluded: History is called upon to scrutinize with exactness his principles, conduct, and character; since, from the false colorings which by designing men have been thrown on these, and the rancor with which his opponents have been falsely aspersed, have been deduced consequences destructive to the security and welfare of man, and highly injurious to the reputation of patriot citizens.

In the character of Charles, as represented by his panegyrists, we find the qualities of temperance, chastity, regularity, piety, equity, humanity, dignity, condescension, and equanimity; some have gone so far as to allow him integrity; and many writers, who condemn his political principles, give him the title of a moral man. In the comparison of this representation with Charles's conduct, accurately and justly described, it is discernible that vices of the worst tendency, when shaded by a formal and plausible carriage, when concordant to the interests of a faction and the prejudices of the vulgar, assume the appearances of, and are imposed on the credulous world as virtues of the first rank.—Passion for power was Charles's predominant vice; idolatry to his regal prerogatives his governing principle*: The interests of his crown

* The History of Coins furnishes an anecdote which shews Charles's affections towards prerogative and popular rights: In the years 1601, 2, 3, 4, and 5, there were several coins stricken
legitimated every measure, and sanctified in his eye the widest deviation from moral rule. His religion was to this a secondary and subordinate affection: The prelates of the church of England paid him an impious flattery; they inculcated a slavish dependance on the regal authority; the corruptions in their ecclesiastical discipline fostered superstition; superstition secured their influence over the people; and on these grounds, and to these ends, they kept an interest in the King's heart, which continued to the last period of his life. If Charles had an higher estimation of the

stricken in Scotland by James I. hearing on their reverse the motto, "Salus populi suprema lex esto." In the first year of Charles's government, he altered on his coins the just sentiment of this motto to "Salus reipublicæ suprema lex esto."

† In the British Museum, No. 122, there is a MS. letter from the King to his queen, dated from Newcastle, 1646, wherein he tells her, That whoever gave her the advice that he should submit to the damned covenant was a fool or knave; that it was the child of rebellion, and breathed nothing but treason; that if episcopacy was to be introduced by the covenant he would not take it, for he was as much bound in conscience to do no act for the destruction of monarchy as to resist hereby. In a letter of the seventeenth of October, from the same place, the King, in answer to the queen's pressing importunity (by Davenant) for his agreeing to the establishment of Presbyterian government, says, That such an establishment would make him but a titular King; that a flower of the crown, given away by an act of parliament, is not recoverable; that if the supremacy in church affairs was not a flower of the crown, he knew not what was; that the difference between episcopal and Presbyterian government was one of the least of his disputes with the parliament, who, under the pretence of a thorough reformation, did intend to take away all the ecclesiastical power of government from the crown; that they would introduce a doctrine which taught rebellion to be lawful, That the supreme power is in the people, to whom kings were accountable. In a letter of the twentieth of November, the King tells the queen, That unless religion was preferred, the militia (being not, as in France and other kingdoms, a formed powerful strength) would be of little
faith in which he had been educated than of Popery, it was because the principles of Popery acknowledged a superior allegiance to their spiritual than their temporal prince; but regarding that superstition to be more favorable to the interests of monarchy, he preferred it to the religion of any differing sect, and publicly avowed his wish, that there never had been a schism in the church. Neither gratitude*, clemency, humanity†, equi-

little use to the crown; that if the pulpits had not obedience, which would never be if Presbyterian government was absolutely established, the King would have but small comfort of the militia; that for his three years concession of Presbyterian government, he never heard that any right was yielded so long as the claim was kept up, which was clearly done by the article of a debate by divines how the church should be governed, the determination being still free to him and the two houses, on which if his conscience was wronged, he could blame nothing but his own want of courage. In the end of this letter the King says, He is confident that he shall in a short time be recalled with much honor, and that his friends would see he had neither a foolish nor a peevish conscience. 

* The favors which Charles's fortunes occasioned him to receive from his subjects, he regarded only as obligations of duty to their prince; and any failure, either through motives of conscience or regard to personal safety or interest, in the lengths he exceeded of them, cancelled the merits of former services. Of all the nobility and gentry slain in his service, the only individuals who premature death, it is observed, he gave any public testimony of regretting, were Sir Charles Lucas and Sir George Lisle, when his mind was softened by long adversity. 

† Notwithstanding Clarendon's extravagant encomium on the King for these virtues, the severe punishments he inflicted on several individuals, by the court of Star-Chamber, shew an extreme rigor; in regard to offenders who opposed his government and opinions—Ludlow and other writers aver, that the prisoners of war, in places immediately under his command, were treated with inhuman cruelty; and there are some traits of history which shew an indifference, or rather hardness of heart, to the sufferings of others. One, which is to be met with in the Strafford Papers, mentions the King's laughing at the
ty, nor generosity*, have place in the fair part of Charles's character. Of the virtues of temperance, fortitude, and personal bravery, he was undeniably possessed. His manners partook of the dissipation, and his conversation of the indecency, of a court†. His chastity has been called in question by an author of the highest repute‡; and were it allowed, it was tainted by an excess of uxoriousness, which gave it the properties and the consequences of vice. The want of integrity is manifest in every

the relation of an officer's having lost part of his cheek in an engagement: this anecdote happened in the beginning of his reign. The same Papers make mention of a great unfeelingness, or rather harshness, in the King's behavior to his servant Cottington, on the melancholy occasion of his wife's death. Lilly, the astrologer, who knew the King well, and who was sometimes consulted on his future fortunes, says, that in the times of war he was seldom seen to be sorrowful for the slaughter of his people or his soldiers. Lilly's Observations on the Life and Death of King Charles, ed. 1715, p. 13.

* The innovation of laws committed to his trust, with several mean as well as unjust acts, testify this. In particular, in the commencement of his reign, he dispensed by proclamation with the legal obligation his subjects lay under to buy the honor of knighthood; and then levied fines upon them for non-performance.

† Before the commencement of the civil wars, plays, and every kind of dissipation which the times afforded, reigned in the King's court. Milton, in his masterly Defence, &c. against Salmahus, taxes the King with amorous indecencies committed in public; and, notwithstanding the contrary has been so strongly affected by Clarendon, there are two passages in the Sydney Papers which demonstrate that the conversation of the court, and even of Charles himself, was not only indecinate but lewd.

‡ Milton, in his Defence, &c. gives shrewd intimations that the King was defective in the point of chastity. Lilly says of him, That he honored the virtuous, and was very shy and choice in wandering in irregular paths; that when he did, it was with much cautiousness and secrecy; that he never prostituted his affections but to those of exquisite persons or parents. The same author affords that Charles had one or two natural children. Lilly, p. 11.
part of his conduct; which, whether the corruption of his judgment or heart, lost him fair opportunities of reinstatement in the throne, and was the vice for which, above all others, he paid the tribute of his life. His intellectual powers were naturally good, and so improved by a continued exercise, that, though in the beginning of his reign he spoke with difficulty and hesitation, towards the close of his life he discovered in his writings purity of language and dignity of style, in his debates elocution and quickness of conception. The high opinion he entertained of regal dignity occasioned him to observe a stateliness and imperiousness of manner, which, to the rational and intelligent, was unamiable and offensive; by the weak and the formal, it was mistaken for dignity*. In the exercise of horsemanship he ex-

* In the King's palaces different rooms were allotted to the different ranks of the nobility and gentry; and orders were hung up in every apartment, forbidding all persons below a certain quality to enter. The observance of these ridiculous distinctions was exacted with such rigor, that Sir Henry Vane the younger, having intruded himself into an apartment allotted to a superior rank, was so suddenly, whilst in discourse, surprised with the King's appearance, that, not having opportunity to retire unperceived, he hid himself behind a large carpet, which hung before a sideboard cupboard: in this situation he was discovered by the King, who, with an unmanly incontinence, struck him with his cane. Even in Charles's days of humiliation, he struck colonel Whalley for the omission of some ceremony, or fancied disrespect; and when Sir Thomas Fairfax (who proved one of the principal actors in his overthrow) presented him on his knees a petition, the King, who knew the contents would be disagreeable to him, turned haughtily away, with a motion so sudden that the petitioner was hurt by his horse's feet, and had like to have been trampled to death. With manners so inoffensive and provoking, the King's general carriage was stiff and formal, to a degree which carried the appearance of high contempt, to his inferiors. Clarendon spends many pages in panegyrising the King on the article of his stateliness; sets forth the glories of Solomon's court as an example
celled; had a good taste, and even skill in several of the polite arts; but, though a proficient in some branches of literature, was no encourager of useful learning, and only patronized adepts in the jargon of the divine right and utility of kings and bishops. His understanding in this point was so depraved by the prejudices of his education, the flattery of priests, and the affections of his heart, that he would never endure conversation which tended to inculcate the principles of equal rights in men; and, notwithstanding the particularity of his situation enforced his attention to doctrines of this kind, he went out of the world with the same fond prejudices with which he had been fostered in his nursery, and cajoled in the zenith of his power.

ample for all princes to follow; and observes, that its pompous ceremonies struck the queen of Sheba with the high idea she is said to have conceived of Solomon's wisdom: This, though a very natural sentiment in a female princess, is a little out of character in the mouth of a moralist, a philosopher, and an historian. Carter's Life of Ormond, vol. 1. p. 356, & seq. Clarendon's History.

* In apology for Charles's government, it has been often advanced, that the same tyrannical principles prevailed equally in those of all his predecessors, and in particular in the government of that favorite sovereign queen Elizabeth; that Charles only endeavored to preserve the rights he found in the crown; and that the usurpation began on the side of the Commons. In contradiction to this assertion, it is to be observed, that Charles, by offering to bring things back to the course preserved in church and state during Elizabeth's government, acknowledged he had innovated both. Were it granted, that the Commons made the first attack on the established encroachments of the crown, was that supposed right to be defended by any means? Charles's situation, and consequently his political conduct, differed widely from that of Elizabeth and the rest of his fortunate predecessors: in the undisturbed possession of their tyranny, they ruled a willing people, and preserved the forms of the constitution. The opposition with which Charles encountered engaged him in
Charles was of a middle stature; his body strong, healthy, and justly proportioned; his face was regular, handsome, and well complexioned; and his aspect melancholy, yet not unpleasing. His surviving issue were three sons and three daughters.* He was executed in the forty-ninth year of his age, and buried by the appointment of the parliament, at Windsor, decently, yet without pomp. The duke of Richmond, the marquis of Hertford, the earls of Southampton and Lindsay, at their express desire, were permitted to pay the last duty to their master, but were denied (by colonel Whitchcot, the governor of Windsor-Castle) the use of the burial service, according to the book of Common-Prayer†.

breach of faith, in civil war, and other criminal transactions; whilst his inflexible tenacity, with the steady opposition of the Commons, must, had he prevailed, have destroyed every principle of Liberty in the constitution.

* Charles prince of Wales, born in 1630; James duke of York, in 1633; Henry duke of Gloecestor, in 1641; Mary princes of Orange, born in 1631; Elizabeth, in 1635; and Henrietta, in 1644.

† Of the voluminous works published in Charles's name, his letters and messages to the parliament, during his strict confinement in the Isle of Wight, are known to be his, with several letters written to the queen and others. Whether he was the author of the Eikon Basilike, a work said to be composed by him in the decline of his fortunes, has been a matter highly contested. The style of this composition has great similarity to the King's; the professions to be found in it, though contrary to the whole tenor of his conduct, he had often publicly made; many of the sentiments are his own, and others he had always assumed; yet the proofs, brought by Toland to evince that this work was not the King's, lord Clarendon's total silence on so important a point, and the testimony of the duke of York, as related by Burnet, have more than equal weight against the arguments of the royalists. There is a letter said to be written by Charles, during his last treaty with the parliament, and addressed to the prince of Wales,
A question whether the people, in any case, have a right to depose and punish their sovereign, became, on the death of Charles, the subject of earnest debate, and was pursued by the high-church and prerogative party with the utmost violence and acrimony. The sufferings of the royal martyr, for so the deceased monarch was termed, were compared to those of Christ the Redeemer: In the comparison, the hardships of the King’s case (on account of his rank) were ridiculously and impiously preferred; and the crucifiers of their God, by churchmen and their adherents, were regarded with an inferior detestation to the murderers of their King*. The corrupt doctrines which had been taught by the clergy were currently broached as standards of political and divine truths; and the utmost depravity of

Wales, which Burnet, by the same testimony, hints to be spurious: Though tainted with Charles’s prejudices, it is full of moral sentiments; and were it not for the King’s insincere conduct with the parliament in regard to Ireland, at the very time it was supposed to be written, would argue his reformation in the point of integrity.

* Symmons’s Parallel, published in 1648. Various sermons; in particular one preached by the bishop of Down, before Charles II. in the year 1649, printed at Breda, and reprinted at London in 1720; one preached on February 4, 1648, entitled “The Devilish Conspiracy, &c.” and another by Dr. Binks, preached on the thirtieth of January, before the lower house of Convocation, in 1721, and cenured by the house of Lords, as a just scandal and offence to all Christian people.—The following passages, out of the bishop of Down’s sermon, are given as specimens of the doctrines and opinions of high-church divines; viz. “The person now murdered was not the Lord of Glory, but a glorious lord, Christ’s own vicar, his lieutenant and vicegerent here on earth; and therefore, by all laws divine and human, he was privileged from any punishment which could be inflicted by men. Abeit he was an inferior to Christ, as man is to God, yet was his privilege of inviolability far more clear than was Christ’s; for Christ was not a temporal prince, his kingdom
human reason appeared in the contest. Monarchy was represented as a form of government of God’s immediate appointment; kings his sacred vicegerents, whom to resist was impious, to depose was damnable, to punish was atrociously criminal beyond the hope of mercy; nor could the utmost height of depravity in the nature, or wickedness in the conduct of a monarch, excuse, in any degree, such an act of jurisdiction in revolted subjects. Systems on the principles of fate and necessity, were written to support the doctrines of slavery: A paternal and legislative power in kings was attempted to be proved by succession from Adam; of

kingdom was not of this world, and therefore when he vouchsafed to come into the world, and to become the son of man, he did subject himself to the law; but our gracious sovereign was well known to be a temporal prince, a free monarch, and their undoubted sovereign, to whom they did all owe and had sworn allegiance. The parliament is the great council, and hath acted all and more against their lord and sovereign than the other did against Christ: the proceedings against our sovereign were more illegal, and in many things more cruel. The true religion delivered unto us in scripture, and professed in the true, ancient, and Catholic church, doth teach us to honor and obey the King, as God’s minister set over us; and that the injuries of kings, though ever so great, are to be endured by their subjects; who have no other remedy, and are to use no other arms against their King, than to pray unto God for him, who hath the hearts of kings in his hand, and may turn them when he thinks fit.”

The following passage, in a letter from general Digby to the marquis of Ormond, shews that the impious nonsense preached in these and successive times, to the end of queen Anne’s reign, were not only to be found in the doctrines of the high-church clergy, but had taken deep root in the opinions of their followers. “From the creation to the accursed day of this damnable murder, nothing parallel to it was ever heard of. Even the crucifying our Blessed Savior, if we consider him only in his human nature, did nothing equal this; his kingdom not being of this world, and he, though unjustly condemned, yet judged at a lawful tribunal.” State Letters. Carte, vol. III. p. 627.

whom
whom it was absurdly asserted, that he was by God invested with the absolute power of life and death *. 

As the scriptures were wrested to authorize the doctrines of the adversary, so the partizans of Liberty, from the same source, argued, That the death of a bloodshedder was required by the Lord, who by his word cautions against the respect of persons, or the exempting individuals from judgment on account of their authority; that men of all ranks and orders were included in this command; and, in case of the deficiency of the magistrate, were bound to see it fulfilled. On the rule of policy, they observed, That the constitution of a King did not take away that lawful defence against force and injury allowed by the law of nature: That even the civil laws which were imperial, declared, that we are not to obey a prince ruling above the limits of the power entrusted to him; for the commonwealth, by constituting a King, doth not rob or deprive itself of the power of its own preservation: That God having given the world to no one man, nor declared how it should be divided, left it to the will of man: That government and magistracy, whether supreme or subordinate, was a mere human ordinance: That the laws of every nation were the measure of magistratical power: That Kings, the servants of the state, when they degenerated into tyrants, forfeited their right to government: That where there is a covenant and oath, there must be coercive power to enforce it: That the oaths of allegiance were to be understood as con-

* These nonsensical opinions are fully confuted in two masterly performances of Locke and Sydney.
ditionally binding, according to the observance of the oaths kings made to their people: And that neither the laws of God or nature were against the peoples' laying aside Kings and Kingly government, and the adopting more convenient forms. To the opposition of the Presbyterians, it was objected, That he whom they had exclaimed against in their pulpits as a tyrant, as an enemy to God and saints, as laden with all the innocent blood spilt in the three kingdoms; that he whom they had devoted to perdition, with exhortation to curse, in the name of God, all those who did not make war against him; was, without penitence or alteration in his first principles, a lawful magistrate, a sovereign lord, the Lord's anointed, his person sacred, though they had formerly denied him his office, and every where resisted his power but where it survived in their own faction. To their arguments of indefeasible right it was returned, that though a derivative power was committed in trust from the people to Kings and magistrates, yet it remained fundamentally in its source: That to say a King had as good a right to his crown and dignity as another man to his inheritance, was to make the subject no better than his slave; yet, even on the supposition of hereditary right, there were crimes for which hereditary right was justly forfeitable: That to say a King was accountable to none but God, was neither founded on command, precept, or reason; that it was the overthrow of all law, and the destruction of good policy: That the authority of the scripture, in the example of the Israelites, established the right of changing and changing government: That God himself had given the preference to a republic, as a more perfect
feet form than a monarchy, and more suitable to the conditions of mankind; and that Christ bore testimony against the absolute authority of the Gentile governors: That to resist, depose, and kill weak and wicked princes, had been in part the conduct of the Reformed, and the favourite doctrine of Calvinistical divines: That, even in the case in question, the King, by being deprived of his office, had been in a manner deposed by both the Scotch and English Presbyterians: That to war upon a King, that his instruments might be brought to condign punishment, to inflict sufferance on the instruments, and not only to spare but defend and honor the author, was the absurdest piece of justice to be called Christian, and of reason to be called human, which ever entered the heads of men of reverence and learning.

The positions to be found in these arguments, That government is the ordinance of man; that, being the mere creature of human invention, it may be changed or altered according

* "Absolute monarchy (says Locke, that deep and accurate reasoner, on the principles of government and subjection) is inconsistent with civil society, and therefore no form of civil government. Where men have no standing rule to appeal to on earth, they are still in a state of nature, and under all the inconveniences of it; but with this woful difference to the subject of an absolute prince, that as, in an ordinary state of nature, he is at liberty to judge of, and maintain his right, under such government, as if degraded from the common state of rational creatures, he is denied that privilege, and so exposed to all the miseries which a man has to fear from one, who, being in the unregarded state of nature, is yet corrupted with flattery, and armed with power. Locke on Civil Government, 2d. ed. 1764.

† Zuinglius, Calvin, Bucer, Peter Martyr, Gilby, Christopher Goodwin, John Knox.
to the dictates of experience, and the better judgment of men; that it was instituted for the protection of the people, for the end of securing, not overthrowing, the rights of nature; that it is a trust either formally admitted, or supposed; and that magistracy is consequently accountable*; will meet with little contradiction in a country enlightened with the unobstructed ray of rational learning. Systems of slavery, condemned to oblivion by general neglect, are no where to be found but among the lumber of an university; nor till the light of letters are again extinct, will another Filmer arise, to dispute the equal justice of God, and the natural freedom of mankind.

On general grounds, it must be indisputably acknowledged, that the partizans of liberty gained a complete triumph over the adversary; on the particular circumstances of the case in question, it must be allowed they discovered error and fallacy. "The absence of twice so many members, says Goodwin (on the argument that the parliament, by whose authority the high court of justice was erected, was no true parliament), as were detained from the house by force doth not at all maim its legitimacy, nor disable its legal authority, in respect of any parliamentary end or purpose whatsoever. The detention of some of their members from them by force doth not

* "Who, says Locke, shall be judge whether his trustee or deputy acts well, and according to the trust reposed in him, but he who deputes him, and must, by having deputed him, have still power to dircard him when he fails in his trust? If this be reason in particular cases of private men, why should it be otherwise in cases of the greatest moment, where the welfare of millions is concerned?" Locke on Civil Government.
alter the case, in respect of nulling the authority or parliamentary power of those who did sit, especially they not consenting or being necessary to such their detainment. Suppose some of their members, employed by them in carrying messages or petitions to the King, during the time of the wars, had been forcibly detained by him, would such a restraint laid upon them by the King have dissolved the parliamentary authority of the house?" No, it would not; but if the house had been garbled of all those members who were engaged in an opposite interest to the King, and none but his creatures permitted to sit, it certainly would. Assertions like these, without argument, disgrace the cause they were intended to defend.—A parliament under any undue influence or force can do no constitutional act; and it is to be disputed whether, in a free capacity, the joint powers of both houses reach to the warring with or dethroning their King*: The oaths of supremacy and allegiance †, every form of law, are against it. Sovereignty and jurisdiction over sovereignty is a contradiction in terms ‡; and in all the addresses

* The question here is not what is fit and convenient, but, What are the forms of the constitution prescribe? Not, Whether the King, who on abuse of power can only be dispossessed of it by late convulsions and civil contention, ought to be seated with sovereignty, or the house of Commons, supposed to be the free elected representative of the people, whose members on a breach of trust, can at stated periods be dispossessed of their authority, without violence, or the infringement of the forms of the constitution?

† When the Commons declared themselves the supreme authority of the nation, they abolished the oaths of supremacy and allegiance to the King.

‡ On the side of the cavalier faction were, in general, the forms of law; on the side of their opponents, magnanimity, justice, sense, and reason.
History of England.

And the two houses to the monarch, far from assuming superior or equal stations in the legislature, they acknowledge a subordinate inferiority.

To attempt the defence of that eminent act of justice, the King's death, on the narrow bottom of constitutional forms, is to betray the cause of Liberty, and confound both truth and reason. When a sovereign, by enlarging the limits of that power with which he is vested for the protection of the people, weakens the authority of laws, and consequently the security of the subject; when he acts in opposition to the just ends for which government was instituted, and from a protector of the commonwealth becomes an enemy; when, by breach of trust and non-performance of obligations, the good purposes of his institution are inverted; his trust and right to government from that period are forfeited; the tie of allegiance is dissolved, and the law and the constitution being rendered incapable of affording the subject protection, he is no longer bound by their forms or dictates, and may justly, by the right of self-preservation, take every probable mean to secure himself from the lawless power and enterprizes of the

* In the style of some very late addresses, of the collective and representative bodies, can hardly be concerned the characters of a free people.

† "All power, says Locke, is given with trust for the attaining an end; being limited by that end, whenever that end is manifestly neglected or opposed, the trust must necessarily be forfeited, and the power devolve into the hands of those who gave it; who may place it anew, where they shall think best for their safety and security." Locke, p. 32. tyrant
tyrant *. On these grounds the parliament are Ann. 1648,
to be defended in the war they made on the
King: On these grounds the army, as they pro-
fess in several declarations, supported their pre-
tensions; not as servants to the dictates of a
master, but as fellow citizens in support of equal
Liberty. The parliament, as watchmen for the
commonwealth, were to represent to the people
their danger: The parliament as elected by the
people for the purposes of guarding the Liberties
of the constitution, though not formally invested
with the power of opposing by the force of arms
a tyrannical headstrong prince, yet this power
being, by the nature of their office, rationally im-
plied, it was a duty binding in conscience and in
honor: The parliament, by the advantages which
the possession of part of the authority of the govern-
ment gave them, were entitled to lead in the under-
taken war against the encroachments of power:
but not, as masters of the community, to mould
the constitution at their pleasure, and gain to
themselves the sole benefits of the conquest: The
parliament, on the principles of self-defence, on
the principles of equity and reason, without re-
spect to constitutional forms, had a right to oppose

* "Where the body of the people, says Locke, or any
single man is deprived of their right, or is under the exercise
of a power without right, and have no appeal on earth, then
they have a liberty to appeal to Heaven whenever they judge
the cause of sufficient moment; and therefore though the
people cannot be judge, so as to have, by the constitution of
that society, any superior power to determine and give effective
sentence in the case, yet they have by a law antecedent
and paramount to all positive laws of men, reserved that
ultimate determination to themselves which belongs to all
mankind, where there lies no appeal on earth; viz. To
judge whether they have just cause to make their appeal to
Heaven." Locke, p. 347.
the tyrant to the utmost; so, upon the same principles, had the collective body of the people; so, upon the same principles, had any part or individual of the people. Exclude this position, and all governments are equal tyrannies; the destroyers, not the preservers of the rights of nature.

Never any prince who sat on the English throne had made greater innovations in the government than Charles; never any prince had laid deeper schemes against the freedom of the constitution; never any prince, even to the last period of his life, had manifested in his conduct less title to farther trust. The parliament, the majority of whom were Calvinists, against the sense of their fellow-associates, the army, who had borne the danger, the burthen, and heat of the day, neglecting, or rather betraying the cause of equal Liberty, on the pretence of which they had begun the contention, attempted by a coalition with the King to establish their own authority over, and coerce their religion upon, the people. The army, who had fought for Freedom, not for a change of tyranny, on the same grounds of equity on which the first quarrel was begun, opposed their measures, and overpowered their authority.—Against the objection, That on these positions all government must be unstable, that good and just, as well as bad and tyrannical, would be liable to be shaken by the interested views and giddy enterprises of a faction, it is to be observed, that these objections, though common, are weak and designing; the fears of the frail, the ignorant, and the wicked: Government never can stand on better, never on firmer, never on equitable grounds, than
than on its good behaviour. Just government will be felt, its advantages will be seen, its security will be fixed in the hearts of its subjects, not to be shaken by the fantastic or selfish ends of individuals. The experience of all times shews, that the people are with difficulty moved to assert their rights, even against the most obvious, the most oppressive tyrannies.