

THE
H I S T O R Y
OF
E N G L A N D
FROM THE
ACCESSION of JAMES I.
TO THAT OF THE
B R U N S W I C K L I N E.

V O L. I.

By CATHERINE MACAULAY.

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Selections from *The History of England* (1763–83)

[VOL. I (1763)]

[vii] Introduction.

Though the rectitude of my intention has hitherto been, and, I trust in God! ever will be, my support, in the laborious task of delineating the political history of this country, yet I think it incumbent on me to give the public my reasons for undertaking a subject which has been already treated of by several ingenious and learned men. From my early youth I have read with delight those histories that exhibit Liberty in its most exalted state, the annals of the Roman and the Greek republics. Studies like these excite that natural love of freedom which lies latent in the breast of every rational being, till it is nipped by the frost of prejudice, or blasted by the influence of vice.

The effect which almost constantly attends such reading operated on my inclinations in the strongest manner, and Liberty became the object of a secondary worship in my delighted imagination. A mind thus disposed can never see through the medium held up by party-writers; or incline to that extreme of candour which, by colouring the enormous vices, and [viii] magnifying the petty virtues, of wicked men, confound together in one undistinguished groupe, the exalted patriots that have illustriously figured in this country, with those time-serving placemen who have sacrificed the most essential interests of the public to the baseness of their private affections.

The societies of the modern ages of the world are not constituted with powers to bring to an impartial tribunal men trusted in the higher offices of the state. Fame is the only reward which, in the present times, true virtue hath to hope; and the only punishment which the guilty great have

to apprehend, is eternal infamy. The weight of punishment ought ever to be determined by the importance of the consequences which attend the crime: In this ballance the vices of men in public characters can admit of no alleviation. A good citizen is a credit to his country, and merits the approbation of every virtuous man. Patriots who have sacrificed their tender affections, their properties, their lives, to the interest of society, deserve a tribute of praise unmixed with any alloy. With regret do I accuse my country of inattention to the most exalted of their benefactors: Whilst they enjoy privileges unpossessed by other nations, they have lost a just sense of the merit of the men by whose virtues these privileges were attained; men that, with the hazard and even the loss of their lives, attacked the [ix] formidable pretensions of the Stewart family, and set up the banners of liberty against a tyranny which had been established for a series of more than one hundred and fifty years; and this by the exertion of faculties, which, if compared with the barren produce of modern times, appear more than human. Neglect is not the only crime committed against these sacred characters. Party prejudice, and the more detestable principle of private interest, have painted the memoirs of past times in so false a light, that it is with difficulty we can trace features, which, if justly described, would exalt the worthies of this country beyond the fame of any set of men, which the annals of other nations can at any one period produce.

To do justice therefore to the memory of our illustrious ancestors to the utmost extent of my small abilities, still having an eye to public liberty, the standard by which I have endeavoured to measure the virtue of those characters that are treated of in this history, is the principal motive that induced me to undertake this intricate part of the English history. If the execution is deficient, the intention must be allowed to be meritorious; and if the goodness of my head may justly be questioned, my heart will stand the test of the most critical examination. In this country, where luxury has made a great progress, it is not to be supposed that the people of fortune will fathom the depth of politics, [x] or examine the voluminous collections in which can only be found a faithful representation of the important transactions of past ages. It is the business of an historian to digest these, and to give a true and accurate sense of them to the public. I have ever looked upon a supposed knowledge of facts seen in the false mirror of misrepresentation as one of the great banes of this country. Individuals may err, but the public judgment is infallible. They only want a just information of facts to make

a proper comment. Labour, to attain truth, integrity to set it in its full light, are indispensable duties in an historian. I can affirm that I am not wanting in those duties. The invidious censures which may ensue from striking into a path of literature rarely trodden by my sex, will not permit a selfish consideration to keep me mute in the cause of liberty and virtue, whilst the doctrine of slavery finds so many interested writers to defend it by fraud and sophistry, in opposition to the common reason of mankind and the experience of every age. Absurd as are the principles, and notions, on which the doctrine of arbitrary power is established, there have been ever in this country found many to adopt it. The vulgar are at all times liable to be deceived, and this nation has ever produced a number of bad citizens, who, prone to be corrupted, have been the ready tools of wicked ministers and the zealous partizans, in a cause big with the ruin of the state, and the destruction of that felicity which the individuals of this country have for some years enjoyed. It is justly remarked by an able writer, 'That there may be a faction for the crown as well as against it, and conspiracies against freedom as well as against prerogative.'¹ Whosoever attempts to remove the limitations necessary to render monarchy consistent with liberty, are rebels in the worst sense; rebels to the laws of their country, the law of nature, the law of reason, and the law of God. Can there be such men? was I to put the question to my own heart, it would answer, that it was impossible there should be such. But the annals of this country have a shameful tale to tell, that such a faction has ever existed in this state, from the earliest period of our present constitution.

This faction has not only prevented the establishing any regular system to preserve or improve our liberties; but lie at this time in wait for the first opportunity that the imperfections of this government may give them, to destroy those rights, which have been purchased by the toil and blood of the most exalted individuals that ever adorned humanity. To shew the causes of so great a malignancy it will be necessary to observe, that there are in every society a number of men to whom tyranny is in some measure profitable; men devoid of every virtue and qualification requisite to rise in a free state. The emoluments and favours they gain for supporting tyranny, are the only means by which they can obtain [xii] distinctions, which in every equal government are the

¹ Bolingbroke, *Remarks on the History of England* (1730), in *Works*, I, p. 438.

rewards of public service. The selfish affections of these men, exalted above worthier citizens, fancy a recompense in this exaltation ample enough for the sacrifice of their liberty. To avoid the censures of injured posterity, their children are brought up in the doctrine of a necessary servitude, and are taught to regard the champions of liberty as the disturbers of the peace of mankind. Hence is produced a numerous class of men, who having been educated in the principles of slavery, become the deluded instruments of all the villainous purposes of mean ambition.

Some there are, who envying the reputation which illustrious characters have acquired, bend their endeavours to destroy the genuine notions of virtue and public utility, on which the fame of great men is built. Others, whose affections are of so base an alloy, that they envy the independency which every individual of this country may enjoy, and would willingly forfeit that natural privilege to superior tyrants, provided they might have the power of domineering over the lower class of people. Others again, who having drudged through what is called a regular education, with much learning or rather reading, but without judgment to have acquired any real knowledge, become a magazine of other men's conceits, and commence the disciples of the first doctrine which accident flings in their way. [xiii] These scholars, in the pursuit of science, lose the distinctions of common sense, and are as obstinately fixed in the prejudices of the authors with whom they have conversed, as if these prejudices were the produce of their own imaginations. Hence proceed those opposite opinions among the speculative part of mankind in regard to popular and monarchical privileges. All men can acquire the jargon of terms, but the depth of science is only to be attained by genius. The greater proportion of ignorance there may be in a disputant, the more reluctant he is to give way to reasoning that contradicts the borrowed opinions which he has taken in the gross; he looks with a sovereign contempt on his antagonist, not because he can confute his arguments, but because his arguments contradict the tenets that have been laid down by Hobbs,² and other writers of that stamp. Unequal to the combat, he skirmishes at a distance, wilfully converses in generals, and never enters into those particulars which may investigate the subject. Men like these,

² Thomas Hobbes (1588–1679).

without the desire of attaining truth, wrangle but for victory; and if they have sense enough to see their mistakes, they never have candor enough to acknowledge them.

The general education of the English youth is not adapted to cherish those generous sentiments of independency, which is the only characteristic of a real gentleman. The business of the public schools is nothing [xiv] more than to teach the rudiments of grammar, and a certain degree of perfection in the Latin and Greek tongues. Whilst the languages of these once illustrious nations are the objects of attention, the divine precepts which they taught and practised are totally neglected. From the circle of these barren studies, the school-boy is transplanted into the university. Here he is supposed to be initiated in every branch of knowledge which distinguishes the man of education from the ignorant herd; but here, as I am told and have great reason to believe, are taught doctrines little calculated to form patriots to support and defend the privileges of the subject in this limited monarchy. 'In these seats of education', says an ingenious author, 'instead of being formed to love their country and constitution, the laws and liberties of it, they are rather disposed to love arbitrary government, and to become slaves to absolute monarchy. A change of interest, provocation, or some other consideration, may set them right as to the public; but they have no inward principle of love to their country and of public liberty; so that they are easily brought to like slavery, if they may be made the tools for managing it.'³ The study of history is little cultivated in these seminaries, and not at all those fundamental principles of the English constitution on which our ancestors founded a system of government, in which the liberty of the subject is as absolutely instituted as the dignity of the sovereign.¹ [xv] Yet the knowledge of these fundamental principles are as necessary to understand this system of government, as the knowledge of them was necessary to construct it.

¹ I take this opportunity of mentioning the late excellent institution in the university of Oxford; of a profession of the common law of England; which, if carried on with the same ability and spirit that Dr. Blackstone has begun it, must be productive of the greatest public utility. [William Blackstone (1723–80) became the first incumbent of the Vinerian Professorship of English Law at Oxford in 1758. In this position, Blackstone gave his famous lectures on the common law, which were published between 1765 and 1770 as *Commentaries on the Laws of England*.]

³ Gilbert Burnet, *History of His Own Time* (6 vols., London, 1725–34), vi, p. 1281.

The form of the constitution may be preserved, when the spirit of it is lost;⁴ and nothing is more likely to happen, whilst those persons who are constituted to maintain it, are ignorant of those fundamental principles, on which the barriers, that defend civil liberty from prerogative, are founded. Prejudiced with a love of slavery, or at least ignorant of the advantages of liberty, the last part of the education of the men of fortune in this country, is what is called the tour of Europe, that is a residence for two or three years in the countries of France and Italy. This is the finishing stroke that renders them useless to all the good purposes of preserving the birth-right of an Englishman. Without being able to distinguish the different natures of different governments, their advantages, their disadvantages; without being able to comprehend how infinitely they affect the interest and happiness of individuals, they grow charmed with every thing that is foreign, are caught with the gaudy tinsel of a superb [xvi] court, the frolic levity of unreflecting slaves, and thus deceived by appearances, are rivetted in a taste for servitude.

These are the causes which occasion the irrational inclinations of many of the English people in regard to government: and would to God that these, tho' very important in themselves, were the only ones that liberty had to fear. In forming of this government a latent evil crept into the vitals of the state, and hath in the course of time poisoned every part of the constitution. Corruption, that undermining mischief, hath sapped the foundation of a fabric, whose building was cemented with the blood of our best citizens. The growing evil hath spread far and wide, tainted the minds of men with such an incurable degeneracy, that the virtue of our forefathers is become the ridicule of every modern politician.

It is become an established maxim, that corruption is a necessary engine of government.⁵ There are some amongst us who have not been

⁴ 'But tho we have preserved the armour, we have lost the spirit, of our constitution'. Bolingbroke, *Letter on the Spirit of Patriotism* (1736), in *Works*, iii, p. 18. Distinguishing between the form and the spirit of the constitution was also a central theme in Bolingbroke's *Dissertation upon Parties* (1733–4).

⁵ Hume advanced a defence of corruption in the technical eighteenth-century sense of the term, that is to say, executive influence over the legislature, in 'Of the Independency of Parliament' (1741), which he repeated in the final volume of his *History*; see *Hume's History*, vi, p. 532. Soame Jenyns had also, in his *Free Enquiry into the Nature and Origin of Evil* (1757), argued that a decrease in absolute power necessitated corruption in order to govern people successfully, since they were naturally and incurably wicked. Hume's argument had been directed against Bolingbroke, who wrote against 'Court Whig' writers such as James Pitt and William Arnall whom he contended were prepared to argue 'that

ashamed to say, that it is proper for the other parts of the legislature to depend on the monarch by corruption. How opposite this is to the genius and spirit of our constitution, is too apparent to need a proof. That the consequences of it are already severely felt in this country, our debts and heavy taxes fatally demonstrate. How destructive it is to [xvii] every virtue that preserves society, or dignifies human nature, is as apparent. This is a sad but certain truth, that corruption is so general amongst us that it has dissolved the sacred bonds of mutual trust. By the influence of bribery, every man in these days has a triple temptation to sin against his country: The emoluments of favour; the fear of being laughed at for his honesty; of being abandoned by his associates, and left single to stand the insults of a victorious faction.

If I have digressed from the subject I set out with, which was to inform the public of my intention in writing this history, they will, I hope, excuse a warmth which national evils have excited in a breast zealous in the cause of Liberty, and attached with a fervent devotion to the civil rights of my country. There remains nothing now but to assure my readers that I shall finish this morsel of history, to the accession of the Brunswick Line,⁶ with the same indefatigable industry that I have executed this small part of it: and having nothing so much in view as the investigation of truth, shall pursue it with an integrity that, I think, cannot justly be called in question by the most invidious inquisitors.

[xviii] The inaccuracies of stile which may be found in this composition, will, I hope, find favour from the candour of the public; and the defects of a female historian, in these points, not weighed in the ballance of severe criticism.

[270] Chap. IX. ^Ann. 1625^

State of the civil and ecclesiastical government of England at the accession of the Stewart family. Causes of the change of government that took place during the administration of the Stewart family. State of the finances. State of trade during the reign of King James.

corruption serves to oil the wheels of government, and to render the administration more smooth and easy'. See *Dissertation upon Parties* (1733-4), in *Works*, II, p. 139.

⁶ The Hanoverian succession in 1714. In the event, however, the *History* concluded with the Glorious Revolution.

To enable the reader to form just notions on the interesting transactions that brighten the following period of the English story, it may not be improper to enter into a detail of the state of the kingdom in regard to government at the accession of the Scottish line.⁷ It must be owned, that it was in many respects very arbitrary, and that the liberties of the subject were neither accurately defined, nor apparently defended. The ecclesiastical faction that broke out in this kingdom during the administration of the Tudors had enabled that family to make pernicious encroachments on the legal rights of the subjects, stipulated by Magna Charta;⁸ time had given strength to these usurpations, and opposition in the people to the will of the sovereign was unauthorized by examples of modern date. The universal simplicity of manners that subsisted during the early periods of the English history, and continued till the latter end of the sixteenth century, rendered the wiles of power less intricate; but at the same time it occasioned in the people an aptness to put a dangerous confidence in their princes: Thus, when the violence of Henry VIII had wrested the ecclesiastical jurisdiction over this country from the Roman pontiff,⁹ the people readily submitted to the crown of England's being vested with that large addition of prerogative; and regal authority attained without difficulty the supreme power in all affairs relative to the government of the church, and the conscience of the subject.

Though the English people had long groaned under the oppressive tyranny of the see of Rome, yet this in latter years had become more moderate in its effects: Many statutes had been made to defend the people against the inordinate claims of this spiritual prince; and by these statutes individuals were in a great measure protected both in their persons and property: But when the same pretensions were united to the coercive power of civil magistracy, it appeared with all its former terrors, and became in reality the comprehensive engine of regal

⁷ When Elizabeth I died childless, the Union of Crowns in 1603 saw the accession of James VI of Scotland to the throne of England as James I.

⁸ Royal Charter of rights agreed to by King John in 1215. It was first drafted by Archbishop of Canterbury Stephen Langton to make peace between the king and a group of rebellious barons, and promised the protection of church rights, the exclusion of the barons from illegal imprisonment, and limitations on feudal payments to the crown. It became famous in the seventeenth century as a foundational document guaranteeing the liberty of Englishmen.

⁹ Henry VIII, who reigned from 1509 until his death in 1547, enlisted England in the Reformation. The Act of Supremacy 1534 named Henry VIII and his successors as the head of the national church, replacing the pope.

despotism. This disadvantageous change could not but be severely felt in the most early periods of its establishment, though the resentment had been suppressed by the zeal which at that time prevailed for reforming the doctrine of the church, and for emancipating the nation from foreign jurisdiction. This zeal [272] was not subsided when the reformers met with a severe check by the succession of Mary,¹⁰ that bigoted papist, who restored to the pope his authority, and reinstated the catholics in the administration. The severities the protestants suffered under this government erased from their minds every impression of evil less dreadful than that of a general and merciless persecution. Thus, when Elizabeth, who professed their principles and faith, possessed the regal dignity, they unanimously agreed to arm her with full powers to suppress opposition, and the high-commission court was re-erected in the very beginning of her reign. This was the supreme ecclesiastical tribunal, and was immediately under the direction of the crown. ^{Hume}¹¹ A conformity of religion was exacted through the whole kingdom, and every refusal of the ceremonies then established was liable to be chastized by this court with deprivation, fines, confiscation, and imprisonment. Any word or writing that tended towards schism or sedition was punishable by the high-commissioners, or any three of them; they were the judges what expressions had that tendency. These inquisitors were not limited to proceed by legal information; rumour, suspicion, were sufficient grounds. To the party cited before them they administered an oath, by which they were bound to answer any question that should be propounded to them; this oath could not be evaded by any pretext, and a refusal incurred the punishment of imprisonment. The power of the star-chamber,¹² in civil matters, was as arbitrary as that of the high-commission court in ecclesiastical: Its authority was carried to this height by Henry VII the first of the Tudor line.¹³ Nor was arbitrary judicature

¹⁰ Mary I, who reigned between 1553 and her death in 1558, restored Catholicism in England. The re-establishment of Catholicism was reversed by her half-sister and successor Elizabeth I.

¹¹ *Hume's History*, v, pp. 124–5. See also iv, pp. 207–9.

¹² The Star Chamber was an English court at the royal Palace of Westminster, which was active from the late fifteenth century to the middle of the seventeenth century. It comprised privy counsellors and common-law judges, and supplemented the judicial activities of the common-law and equity courts. In 1641 the Long Parliament, led by John Pym and outraged by the treatment of religious Dissenters, abolished the Star Chamber.

¹³ Henry VII reigned from 1485 until his death in 1509.

the only ensign of despotism that was attached [273] to the monarchy of England: The dispensing power, the power of imprisonment, of exacting forced loans and benevolence, of pressing and quartering soldiers, of erecting monopolies, had been all exercised in their turns by the several sovereigns that preceded the accession of the Stewart family.ⁱⁱ No wonder, therefore, that James united his darling idea of government to circumstances that appeared so entirely conformable to it. This appearance proved a deceitful one. Parliaments, viz. a right in the people of assembling by representatives, to assist at the making of new laws, the abolishing old ones, or to give an assent or negative to extraordinary levies of money, a precious privilege, which the people had yet preserved from the ruins of the Gothic constitution, had in it many latent resources to preserve liberty which had given way, though not entirely yielded, to the encroachments of successful tyranny.

When James took possession of the reins of government, the opportunity to exert its rights with redoubled [274] vigour was approaching; those circumstances that proved favourable to the criminal ambition of the Tudors were either feeble, or no longer existed; the apprehension of suffering religious persecution was converted into the dread of sinking into civil slavery: The protestants beheld with the utmost regret themselves and posterity subject to a power which they had raised for the purpose of crushing their enemies; the lights which men had obtained from a disquisition into theological tenets, and the doctrine of ecclesiastical subjection, had enabled them to judge more rationally of the nature and end of civil subordination. Passive obedience to princes, that notion which, through the darker ages of the world, had been efficaciously inculcated into the minds of the subject, began to be treated with

ⁱⁱ So extensive was the authority of the monarchy at the accession of James, that Elizabeth had appointed commissioners for the inspection of prisons, with full discretionary powers to adjust all differences between prisoners and their creditors, to compound debts, and give liberty to such debtors as they found honest, and incapable of making full payment. This commission James renewed in the fifteenth year of his reign. *Hume[’s History]*, v, p. 128].

We find also another extraordinary act of power exercised by this king: On the erecting a new wall at his palace at Theobalds, a commission was given to a certain number of domestics to press into his service as many workmen as should be sufficient to complete the work in a short time, and to seize by force bricks, carts, tools, and every necessary material. [Thomas] *Rymer’s Foedera* [(20 vols., London, 1704–35), xvii, pp. 302–3].

a scepticism that produced an entire revolution in the opinions of the intelligent. Elizabeth saw and felt this change; had life and empire continued, she would undoubtedly have sustained the mortification of beholding an entire alteration in the conduct of the Commons, who had hitherto servilely complied with her imperious will. The shortsighted James was unable to account for the inconsistency he found between the theoretical and practical government of England; whilst the servility of the nobles confirmed him in the idea that he was in actual possession of a despotic power, the determined opposition of the Commons prevented him from bringing that idea to reality; a small degree of accuracy would have reconciled the seeming contradiction. Even in that early period it might have been discerned that noble principles had taken deep root in the minds of the English people, that the progress of more enlightened reason [275] would bring these to perfection, and the harvest of such fruit must infallibly produce an important change in the manner and constitution of the government.

The revolution in the Low Countries¹⁴ did not a little contribute to hasten such a disposition: The hearts of the English were fired with sympathetic virtue, at the example of that brave and resolute people, happily emerged from a state of servitude to a state of flourishing freedom. The revival of letters co-operated with these causes to effect an alteration in the modes of thinking of the English nation. Those models of human glory, the histories of Greece and Rome, excited all to admire, the virtuous to a desire of imitation; and, whilst the composition of the antients delighted the taste, their science and precepts enlarged the mind, corrected the judgment, and improved the heart; whilst the theory of ancient politics became the study of the judicious learned, the recent success of the Dutch stimulated them with desire, and even distant hopes of putting that theory into practice. It must be acknowledged that these exalted schemes were not universally adopted; they were entirely confined to the men of letters, and of these to the most virtuous kind: But the simplicity of manners that preceded this age, and that eager appetite for learning which accompanied its revival, occasioned their number to be extensive, when compared to the productions

¹⁴ The Dutch Revolt (1566–1648) was the insurrection in the Low Countries against the rule of the Habsburg dynasty. As a result, the northern provinces adopted Calvinism and Republicanism, and the southern provinces became entirely Catholic.

of modern times. It cannot be imagined that that stiff opposition which appeared in all the parliaments throughout this reign was directed by leaders that would have been satisfied with a temporary redress of grievances, or rather that would not have made [276] use of all the advantages that offered to have enlarged to the utmost the system of liberty. The completion of this was left to the more successful heroes of the following period, notwithstanding it had made a greater progress in this reign than was apparent; and the weak and absurd administration and conduct of the Stewart family ripened the execution of schemes which might more successfully have taken place, when time, with literature, had entirely dispelled that cloud of gross superstition which had long involved the European world. The continual complaints which the Commons in parliament preferred to James on the enormities that proceeded from the arbitrary system of judicature that subsisted at his accession, in some measure checked that tyrannical use of it which had been practised by Elizabeth. It has been mentioned by an ingenious historian, with an intention to do credit to this monarch, that the punishments inflicted by the high-commissioners during his reign were infinitely less in number, and those more mild, than they had been under the administration of Elizabeth.¹⁵ Deprivations, fines, confiscation, and imprisonment, were judgments that then continually issued from this court: Deprivation was the highest punishment inflicted in the time of her successor.

A long suspension from warlike exercises, though baneful to a luxurious state, was, to the people of England, an advantageous circumstance. A foreign war might have diverted them from an attention to domestic evils; and their manners were not at this time so effeminate as to endanger an attachment to an inglorious inactivity; idleness, servility, and their concomitant [277] vices, were, in these happy days, only to be found among the servants and followers of the court. Candour, valour, integrity, a spirit of independence, and every other masculine virtue, were possessed in a high degree by the Commons of England, viz. of the male sex; whilst chastity, modesty, and industry, were the general characteristics of the females. Peace also was favourable to commerce; it is acknowledged by all historians that trade increased much in this

¹⁵ *Hume's History*, v, p. 125.

reign. The vigorous measures of the parliament heightened this circumstance by freeing it from several monopolies, an imposition with which it had been much fettered by Elizabeth.

¹⁶ It was in James's reign that English colonies began to flourish in America. A board of trade was erected by this king to examine the efficacy of expedients that were proposed for the advantage of commerce. Agriculture, which was formerly imperfect in England, a most useful employment, rendered illustrious by the virtue of its followers,ⁱⁱⁱ received great improvement in this time, and the nation began to be more independent on foreign produce for their daily sustenance.

James's yearly revenue was 450,000 l.; the subsidies were granted him by the Commons and the clergy, money paid him by the States and the king of France,^{iv} with the sums he raised by extraordinary and [278] illegal methods, amounted in the whole to 2,193,374 l., which, divided into twenty-two equal portions, and added to his ordinary revenue, make an annual income of nearly 550,000 l.,^v a trifling sum when compared to the modern expences of government:^{vi} But the inhabitants of this island were then free from the incumbrance, danger, and charge of a standing army. The only burthen which the subjects bore was the supplying the luxury, parade, and prodigality of the court; and this was obtained from them by methods fraudulent and violent, disallowed by the legal forms of the constitution. They were defended from the evil of being oppressively taxed, under the pretence of public utility, by the indefatigable diligence and sturdy opposition of their representatives in parliament, the guardians of the common weal.

ⁱⁱⁱ The practice of husbandry, even to manual labour, was exercised by every rank of the Roman people, in the virtuous times of that illustrious republic.

^{iv} The sum of 60,000 l. due from Henry IV to Elizabeth.

^v To this account of the revenue must be added tonnage and poundage [see note 69, below]: The sum that this tax brought in has never yet been calculated; the increase of trade, and the exorbitant impositions that were laid on merchandize in this reign, made it very considerable.

^{vi} The difference of the valuation of money may be thought an objection to the comparison; but, according to Mr. Hume's account of the prices that several of the necessaries of life bore in these days, the difference is not so very great as has been generally imagined. [See *Hume's History*, v, pp. 138–40.]

¹⁶ *Ibid.*, pp. 146–9.

[VOL. 4 (1768)]

[Ch. V, 355, note on the term 'Leveller']

This is a hackneyed term of reproach flung out on all occasions by the adversary against the partisans of Liberty; both with a view to throw ridicule on their system, as visionary and impracticable, and to engage the selfish affections of men in the cause of arbitrary and unequal dominion. The levelling plan, according to the insinuations of these scoffers, never was, nor ever can be adopted by men who have accurate notions of a state of nature, or who are well informed in the science of government and the laws of society; for though the justice and wisdom of God has given equal and impartial privileges to the species in general, yet the difference which exists in the judgment, understanding, sagacity, genius, and industry of individuals, creates superiority and inferiority of character, and produces a state of dependance from man to man. To preserve that natural subordination established by God himself, and to keep that accumulation of property and influence which the different qualities of men occasion, from producing tyranny, and infringing the general rights of the species, lies the whole art of true and just policy. All political distinctions which are personal, however wisely and impartially distributed, are mischievous in their nature, because they give weight instead of ballance to the prepondering scale: but hereditary privileges are the mere establishments of selfishness, and attended with the most destructive consequences; since, necessarily counteracting the laws of Providence, the vicious and foolish bear rule over the wise and virtuous, the system of nature is not regulated but overturned, and those are preposterously placed at the head of society, whose qualities often entitle them to no other than the most inferior station in it.

[Ch. VI, 410] ^The King's trial, execution, and character.^

On the twentieth of January, the commissioners proceeded in state from the Painted Chamber to Westminster-Hall. Colonel Humphry¹⁷ carried

¹⁷ It is unclear who this refers to. Humphrey Edwards was a colonel, but he may not have been present at the execution. This part of the narrative, with the names and their spelling, is adapted from the translation of the fourth volume of Isaac de Larrey, *Histoire d'Angleterre, d'Écosse et d'Irlande* (4 vols., 1707–12), published as *The History of the Reign of King Charles I* (2 vols., London, 1716), II, pp. 362–3.

the sword before the president, serjeant Dendy¹⁸ the mace, and twenty gentlemen (commanded by colonel Fox¹⁹) 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 West-[411]minster Hall. A chair of crimson velvet was prepared for him within the bar, and thirty officers and gentlemen waited with halberds 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?^{vii} He told the commissioners to remember 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 [412] 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

^{vii} Ludlow says, That the King interrupted the clerk whilst he was reading, and exclaimed, 'I am not entrusted by my people; they are mine by inheritance.' [*Memoirs of Edmund Ludlow* [(1698; London, 1751)], p. 107.

¹⁸ Edward Dendy (bap. 1613–74).

¹⁹ Colonel John 'Tinker' Fox (1610–50), Parliamentary soldier, who was wrongly rumoured to be one of Charles I's executioners.

peasant, had been previously asked and obtained:^{viii} 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 not betray by recognizing a power founded on 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 [413] 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, lest, 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,^{ix} by whom it was proved that the King had [414]

^{viii} 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. [John Locke, *Two Treatises of Government* (London, 1764), p. 280.]

^{ix} 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 Presbyterian party would stick close to him; that to this the King had replied, he would have all his old 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

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 preservation of his life. All solicitations were found vain. The Scots fruitlessly exclaimed [415] 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.^x 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 tranquillity and composure; nor can his bitterest enemies deny, that in

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. [The seventh volume of Sir John Rushworth's *Historical Collections* (7 vols., 1659–1701) refers to *Historical Collections: The Fourth and Last Part* (2 vols., 1701).]

^x Clement Walker, a petulant writer of the Presbyterian party, in his *History of Independency* [(1648–9)], 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 of 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. [*Anarchia Anglicana: or, the History of Independency. The second Part Being a Continuation of Relations and Observations Historical and Politic upon This Present Parliament, Begun anno 16. Caroli Primi* (London, 1649), p. 110.]

his conduct, under the dreadful apprehension of a violent death were united the magnanimity of heroism and 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,²⁰ 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,^{x1} and averred that he had [416] no other object in his military operations than to 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;²¹ 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,²² 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,^{xii} 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

^{x1} See, on this subject, vol. III. of this *History*, p. 273, & *seq.*

^{xii} 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. [*Memoirs of Edmund*] Ludlow, p. 109.

²⁰ Matthew Thomlinson (1617–81), colonel in the New Model Army.

²¹ Charles I had reluctantly signed the death warrant of his supporter Thomas Wentworth, 1st Earl of Strafford (1593–1641), in 1641 to placate Parliament, which had condemned Strafford to death.

²² William Juxon (1582–1663), bishop of London from 1633 to 1646 and archbishop of Canterbury from 1660 until his death.

bishop poured out a few insipid lifeless exhortations: To these the King returned, 'I go from a corruptible to an incorruptible [417] crown, where no disturbance can have place.' ^Jan. 30. [1649]^ Then laying his head upon the block, the executioner (whose face was concealed in a vizor) severed it with one stroke from the body: 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^{xiii} 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 panegyrick: 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 intoxi-[418]cated 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 commiseration 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

^{xiii} 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 [William Fiennes, 1st Viscount Saye and Sele (1582–1662)], on the hopes that the parliament would conclude with him upon earlier terms. *Lilly* [*Mr. William Lilly's True History of King James the First, and King Charles the First* (London, 1715)], p. 72, & seq.

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;²³ 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:^{xiv} The interests of his crown 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.^{xv} If Charles had an higher [420] estimation of the faith

^{xiv} The History of Coins affords 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 in Scotland by James the First, bearing on their reverse the motto, '*Salus populi suprema lex esto* [i.e. the safety of the people is the supreme law].' In the first year of Charles's government, he altered on his coins the just sentiment of this motto, to '*Salus reipublicae suprema lex esto* [i.e. the safety of the state, or literally the public thing, is the supreme law].'

^{xv} In the British Museum, N^o 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 take 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 heresy. In a letter of the seventeenth of October, from the same place, the King, in answer to the queen's pressing importunity

²³ *Hume's History*, v, p. 543.

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 [421] there never had been a schism in the church. ^Birch's Enquiry, p. 297.²⁴ Neither gratitude,^{xvi} clemency, humanity,^{xvii} equity, nor

(by [Sir William] Davenant [(1606–68)]) 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 preserved, the militia (being not, as in France and other kingdoms, a formed powerful strength) would be of 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. *British Museum*, MS. 6988. [This correspondence is now in British Library Add MS 28857, and is printed in *Charles I in 1646: Letters of King Charles the First to Queen Henrietta Maria*, ed. John Bruce (London, 1856), pp. 84–6.]

^{xvi} 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 exacted of them, cancelled the merits of former services. Of all the nobility and gentry slain in his service, the only individuals whose premature death, it is observed, he gave any public testimony of regretting, were Sir Charles Lucas [(1613–48)] and Sir George Lisle [(1615–48)], when his mind was softened by long adversity.

^{xvii} Notwithstanding Clarendon's [i.e. Edward Hyde, 1st Earl of Clarendon (1609–74), author of *The History of the Rebellion* (3 vols., 1702–3)] 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

²⁴ Thomas Birch, *An Inquiry into the Share which King Charles I Had in the Transactions of the Earl of Glamorgan, Afterwards Marquis of Worcester, for Bringing Over a Body of Irish Rebels to Assist that King in the Years 1645 and 1646* (London, 1747), pp. 247–8.

generosity,^{xviii} have place in the fair part of Charles's character. Of the virtues of temperance, fortitude, and [422] personal bravery, he was undeniably possessed. His manners partook of the dissipation, and his conversation of the indecency of a court.^{xix} His chastity has been called in question by an author of the highest repute;^{xx} 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 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

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 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. [*The Earl of Strafforde's Letters and Dispatches* (2 vols., London, 1739), I, p. 214.] 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.

^{xviii} 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.

^{xix} 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 Salmasius* [i.e. *Defensio pro Populo Anglicano, or Defence of the People of England* (1651)], taxes the King with amorous indecencies committed in public; and, notwithstanding the contrary has been so strongly asserted 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 indelicate but lewd. [Arthur Collins, *Letters and Memorials of State, in the Reigns of Queen Mary, Queen Elizabeth, King James, King Charles the First, Part of the Reign of King Charles the Second, and Oliver's Usurpation. Written and Collected by Sir Henry Sydney, Knight of the Garter* (2 vols., London, 1746).]

^{xx} 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 parts. The same author asserts that Charles had one or two natural [i.e. illegitimate] children. Lilly, [*True History of King James the First, and King Charles the First.*] p. 11.

elocution and quickness of conception. The high opinion he [423] 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.^{xxi} In the exercise of horsemanship he excelled; 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 [424] 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 that 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.^{xxii}

^{xxi} 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 [(bap. 1613–62)], 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 insolence, struck him with his cane. Even in Charles's days of humiliation, he struck colonel [Edward] Whaley [(c. 1607–75)] for the omission of some ceremony, or fancied disrespect; and when Sir Thomas Fairfax [(1612–71)] (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 as sudden that the petitioner was hurt by his horse's feet, and had like to have been trampled to death. With manners so insolent 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 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 [Thomas] Carte's [*History of the Life of [James Duke of] Ormond [from His Birth in 1610, to His Death in 1688* (3 vols., London, 1735–6)], vol. 1. p. 356, & seq. Clarendon's *History [of the Rebellion* (3 vols., Oxford, 1702–4), II, p. 300].

^{xxii} 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

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 [425] issue were three sons and three daughters.^{xxiii} 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,²⁵ the marquis of Hertford,²⁶ the earls of Southampton²⁷ and Lindsay,²⁸ at their express desire, were permitted to pay the last duty to their master, but were denied (by colonel Whitchcot,²⁹ the governor of Windsor-Castle) the use of the burial service, according to the book of Common-Prayer.^{xxiv}

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 mean? Charles's situation, and consequently his political conduct, differed widely from that of Elizabeth and the rest of his fortunate predecessors: in the peaceful 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 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.

^{xxiii} Charles prince of Wales, born in 1630; James duke of York, in 1633; Henry duke of Gloucester, in 1641; Mary princess of Orange, born in 1631; Elizabeth, in 1635; and Henrietta, in 1644.

^{xxiv} 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* [*the Pourtraicture of His Sacred Majestie in his Solitudes and Sufferings* (London, 1649)], a work said to be composed by him in the decline of his fortunes, has been a matter highly contested. The stile 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

²⁵ James Stewart, 1st Duke of Richmond, 4th Duke of Lennox (1612–55), and a third cousin of Charles I. The four lords mentioned by Macaulay in this context assumed responsibility for Charles I's actions before the Commons and petitioned to be executed in his place.

²⁶ William Seymour, 1st Marquess of Hertford from 1641, and 2nd Duke of Somerset in 1660 (1588–1660).

²⁷ Thomas Wriothsley, 4th Earl of Southampton (1607–67).

²⁸ Montagu Bertie, 2nd Earl of Lindsey (1608–66).

²⁹ Colonel Christopher Whitchote, active in 1642–59.

A question whether the people, in any case, have a right to depose and punish their sovereign, became, [426] 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 hard-ships 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.^{xxv} The corrupt doctrines which [427] had been

York, as related by Burnet, have more than equal weight against the arguments of the royalists. [Part II of John Toland, *Amyntor: Or, A Defence of Milton's Life* (London, 1699) was entitled 'A compleat history of the book intituled *Icon basilike*, proving Dr. Gauden, and not King Charles the First, to be the author of it.'] There is a letter said to be written by Charles, during his last treaty with the parliament, and addressed to the prince of Wales, which Burnet, by the same testimony, hints to be spurious: Though tintured 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. [Burnet, *History of His Own Time*, I, pp. 76–7.]

^{xxv} [Edward] Symmons's [*A True*] *Parallel [Betwixt the Sufferings of our Saviour and our Sovereign]*, published in 1648. Various sermons; in particular one preached by the bishop of Down [i.e. Henry Leslie (1580–1661)], before Charles the Second, in the year 1649, printed at Breda, and reprinted at London in 1720; one preached on February 4, 1648, entitled 'The Devilish Conspiracy, &c.' [by John Warner (1581–1666), Bishop of Rochester] and another by Dr. Binks [i.e. William Binckes (1652/3–1712), proctor for the diocese of Lichfield and Coventry], preached on the thirtieth of January, before the lower house of Convocation, in 1701, and censured 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. Albeit 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 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,

taught by the clergy were currently broached as standards of political and divine truths; and the utmost depravity of 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 whom it was absurdly asserted, that he was by God invested with the absolute power of life and death.^{xxvi}

[428] As the scriptures were wrested to authorize the doctrines of the adversary, so the partizans of Liberty, 'Goodwin's Defence of the Honorable Sentence'³⁰ 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. 'The Resolver, &c. quarto, ed. 1648'³¹ On the rule of policy, they observed, That the constitution of a King did not

who hath the hearts of kings in his hand, and may turn them when he thinks fit.' [Leslie, *The Martyrdome of King Charles, or His Conformity with Christ in His Sufferings* (The Hague, 1649), pp. 12, 25, 23.]

The following passage, in a letter from general Digby [George Digby, 2nd Earl of Bristol (bap. 1612–77)] 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 [i.e. Thomas Carte, *An History of the Life of James Duke of Ormonde* (3 vols., London, 1735)], vol. iii. p. 607.

^{xxvi} These nonsensical opinions are fully confuted in two masterly performances of Locke and Sydney [i.e. in *Two Treatises of Government* and *Discourses concerning Government*, respectively].

³⁰ John Goodwin, *Hybristodikai. The Obstructours of Justice. Or a Defence of the Honourable Sentence Passed Upon the Late King, by the High Court of Justice* (London, 1649).

³¹ *The Resolver, or, a Short Word, to the Large Question of the Times* (1648 [i.e. 1649]). This anonymous tract is signed 'N.T'.

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: ^Sydney's Discourses on Government, quarto ed. 1763³² That God having given the world to no one man, nor declared how it should be divided, left it to the will of man: ^Milton's Tenure of Kings and Magistrates³³ 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: ^Goodwin's Defence^ 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: ^Milton's Defence, &c. against Salmasius³⁴ That the oaths of allegiance were to be understood as conditionally binding, according to the observance of the oaths kings made to their people: And that neither the laws of God nor nature were against the people's laying aside Kings and kingly government, and the adopting more convenient forms. ^[Milton,] Tenure of Kings and Magistrates^ 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 formally 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, nor reason;

³² *Discourses concerning Government by Algernon Sydney with His Letters, Trial, Apology and Some Memoirs of His Life*, ed. Thomas Hollis (London, 1763).

³³ John Milton, *The Tenure of Kings and Magistrates* (London, 1649).

³⁴ See note xix, above

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 chusing and changing government: That God himself had given the preference to a republic, as a more perfect form than a monarchy, and more suitable to the conditions of mankind; ^Defence against Salmasius³⁵ and that Christ bore testimony against the [430] absolute authority of the Gentile governors:^{xxvii} ^Milton's Tenure^ That to resist, depose, and kill weak and wicked princes, had been in part the conduct of the Reformed, and the favorite doctrine of Calvinistical divines:^{xxviii} 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 absurd piece of justice to be called Christian, and of reason to be called human, which ever yet 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 [431] or altered according 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,^{xxix} will meet with little

^{xxvii} '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 inconveniencies of it; but with this woeful 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 unrestrained state of nature, is yet corrupted with flattery, and armed with power.' *Locke on Civil Government* [i.e. Locke, *Two Treatises of Government*], oct. ed [(London)] 1764 [pp. 272–5].

^{xxviii} Zuinglius [i.e. Huldrych Zwingli], [John] Calvin, [Martin] Bucer, Peter Martyr, [Anthony] Gilby, Christopher Goodwin, John Knox.

^{xxix} 'Who', says Locke, 'shall be judge whether his trustee or deputy acts well, and according to the trust reposed in him, but he who deposes him, and must, by having deposed him, have still power to discard 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* [p. 414].

³⁵ See note xix, above.

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 a university; nor, till the light of letters are again extinct, will another Filmer³⁶ 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 [432] or purpose whatsoever. The detainment of some of their members from them by force doth not alter the case, in respect of nulling the authority or parliamentary power of those who did sit, especially they not consenting or being accessory 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?'³⁷ 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.^{xxx} The oaths of supremacy and allegiance,^{xxxii} every form of law, are against it. Sovereignty [433] and

^{xxx} The question here is not, What is fit and convenient? but, What the forms of the constitution prescribe? Not, Whether the King, who, on abuse of power, can only be dispossessed of it by state convulsions and civil contention, ought to be vested 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?

^{xxxii} When the Commons declared themselves the supreme authority of the nation, they abolished the oaths of supremacy and allegiance to the King.

³⁶ Sir Robert Filmer (1588–1653), whose best-known work *Patriarcha* was published posthumously in 1680.

³⁷ Goodwin, *Hybristodikai*, p. 35.

jurisdiction over sovereignty is a contradiction in terms;^{xxxii} and in all the addresses of the two houses to the monarch, far from assuming superior or equal stations in the legislature, they acknowledge a subordinate inferiority.^{xxxiii}

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,^{xxxiv} the tie of al-[434]legiance 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 tyrant.^{xxxv} It is on these grounds the parliament are to be defended in the war they made on the King: It is on these grounds the army, as they profess in several declarations, supported their pretensions; 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

^{xxxii} 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.

^{xxxiii} In the style of some very late addresses, of the collective and representative bodies, can hardly be discerned the characters of a free people.

^{xxxiv} '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, [Two Treatises of Government,] p. 82.*

^{xxxv} '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, [Two Treatises of Government,] p. 347.*

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 implied, 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 government [435] gave them, were entitled to lead in the undertaken 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 respect to constitutional forms, had a right to oppose the tyrant to the utmost; so, upon the same principles, had the collective body of the people; so, upon the same principles, had any party 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 presence of which they had began 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 began, opposed their measures, and overpowered their authority – Against the objection, That [436] 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 enterprizes 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 on its good behavior. 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.

[VOL. 5 (1771), CH. 1]

[6] ^Ann. 1649; Discontent and revolt of the Levellers.^

It was not the formidable factions of Cavalier and Presbyterian alone whose enmity the English Parliament had at this time to dread. The truest friends to Liberty of their own party were disgusted with the oligarchical form into which they had modelled the government, and the undivided authority they had assumed to [7] themselves. A petition, with articles for the settlement of the nation on a new plan, had been sent up to the Commons from the general, lord Fairfax,³⁸ and the council of officers, immediately after that assembly had determined to proceed against the King's life. ^Parl. Hist. vol. XVIII³⁹ They demanded, the sovereign authority to be lodged in a representative assembly, composed of four hundred persons, biennially elected by counties, cities, and boroughs, more equally proportioned with electors than the present distribution; that all the natives or denizens of England, being not persons who received alms, or servants receiving wages, should have the privilege of an elective voice; and that no member of a council of state, nor any officer of any salary forces in the army or garrisons, nor any treasurer or receiver of public money, should, while such, be capable of election in the representative.

These, with some proper limitations of the sovereign power, cautions against the King's party having voices in the election of the first and second representative, and proposals relative to the establishment of religious liberty, were the heads of the petition sent up by the army to the Commons. It was styled, 'The Agreement of the People;' and was to the same purport as a former agreement of the party called Levellers.⁴⁰ The Parliament were not only silent concerning any intention of dissolving their body (though their power, according to the propositions of the

³⁸ Thomas Fairfax, 3rd Lord Fairfax of Cameron (1612–71).

³⁹ *The Parliamentary or Constitutional History of England* (24 vols., London, 1751–61), xviii, pp. 516–36.

⁴⁰ The earlier Leveller pamphlet refers to *An Agreement of the People: For a Firme and Present Peace, upon Grounds of Common Right* (London, 1647).

army, was to have terminated on the last day of April 1649), but treated with a high tone of authority those of the party who ventured to shew discontent [8] at their proceedings.^{xxxvi} A conduct so ill suited to the

^{xxxvi} One Lockier suffered death; and for a petition in which the party had demanded reformation in point of lawful toleration, in point of religion, the equal administration of law to persons of all conditions, the abolishment of tythes, and other articles of the same nature, the petitioners (being troopers) were tried by a court-martial, and on several of them was inflicted the punishment of riding the wooden horse. This severity was so far from intimidating the party, that a petition, in which they complained of the arbitrary influence of three or four military grandees over the supreme authority of the nation; and in which they demanded that the government should cease an illegal prosecution they had commenced against [John] Lilbourn [commonly spelled as Lilburne (1614–57)] and three other leaders of the party, for a pamphlet they had published, called England's Second Chains [i.e. *Englands New Chains Discovered*, published in two parts in 1649], was signed by ten thousand persons, and seconded by a female petition of the same tendency [*To the Supreme Authority of This Nation, the Commons Assembled in Parliament: The Humble Petition of Divers Wel-Affected Women Inhabiting the Cities of London, Westminster, the Borough of Southwark, Hamblets, and Places adjacent* (London, 1649)]. These movements of the party not having the effect to intimidate the government into milder or juster measures, Lilbourn and his three associates, though under confinement, had the courage to print a narrative of all that passed between them and the council of state, with a new model of government, entitled, *An Agreement of the Free People of England* [London, 1649]. It was a better model than any which had been yet offered to the public; and as it directs the reformation of all the grievances which the people of England then labored under, and which to this very day they do with equal weight sustain, I shall give abstracts of the most important articles. Parliaments were to be annual, instead of biennial, and the members not capable of re-election till after the intervention of one representative. The executive powers of government, during the adjournments of Parliament, were to be exercised by committees of Parliament, instead of a council of state. The exercise of the supreme power, with the limitations established by the Petition of Right [1628], was to be bound in all religious matters, touching the rights of conscience. They were not empowered to impress or constrain any person to military service, either by sea or land; 'Every man's conscience', says the Agreement, 'being to be satisfied in the justness of that cause wherein he hazards his own life, or may destroy another's.' [(p. 5)] They were not empowered to give judgment on person or estate, in any case where the laws were silent, or to punish any person for refusing to answer questions against himself in criminal cases. They were not empowered to continue or make any law to prevent any person or persons from trading in foreign states. They were not empowered to continue excise or customs upon any sort of food, wares, or commodities longer than four months after the beginning of the first representative; 'Being both of them', says the Agreement, 'burthensome and oppressive on trade, and expensive in the receipt.' [(p. 6)] They were not empowered to make or continue any law whereby the real and personal estate of any subject should be exempted from the payment of their debts, or to imprison the person of any man for debt; 'It being,' says the Agreement, 'both unchristian in itself, and no advantage to the creditors.' [(p. 6)] They were not empowered to continue or make any law for taking away the life of the subject, except for the crime of murder, for heinous offences destructive to human society, or for endeavoring by force to

independant spirit of the Levellers, provoked them to [9] assemble at Burford, to the number of five thousand; but though this body were for the most part soldiers [10] and veterans, yet, deceived by a promise from Cromwell⁴¹ of a delay of hostilities, they were unexpectedly attacked by a superior number of troops, under the command of Reynolds,⁴² and entirely defeated[.]^{xxxvii}

[380] Chap. XI. *Dissertation.*

The change in government and opinion which took their rise in the beginning of James's reign, and, by gradual elevation, rose to the highest pitch of national liberty and national glory, and from thence, by the apparent general consent of the people, sunk back to a former state of monarchical tyranny, are instances so unexampled in all history, that an enquiry into those causes which produced such singular effects is well worth the attention of the intelligent reader.

It has been already observed, in the first volume of this History, that, from the revival of letters, the minds of the English nation began to be so

destroy the Agreement. In capital offences, recompence was to be made to the party damnified, as well out of the estate of the malefactor as by loss of life. They were not empowered to impose ministers on the people, but to give free liberty to the parishioners of every parish to choose such as themselves should approve, provided none to be chosen but such as were capable of electing representatives. They were not empowered to impose any public officer upon any counties, hundreds, cities, towns, or boroughs; but those subjects who were capable of electing representatives were to choose all their public officers yearly. They were not empowered to continue or constitute any proceedings in law longer than six months to the final determination of any cause. The laws and proceedings in law were to be in no other language than English; nor was any person to be hindered from pleading his own cause, or the making use of whom he pleased to plead for him. No persons were to be exempted from the ordinary course of legal proceedings by virtue of any tenure, grant, charter, patent, degree, or birth, of any place of residence, refuge, or privilege of parliament; and to demonstrate beyond contradiction, that the party were not tainted with any principles of levelling but those which support the rights of Nature and equal government, the Agreement concludes with an injunction, That it should not be in the power of the representative to level mens estates, destroy property, or make all things common. Divers citizens of London, and the inhabitants of the county of Essex, presented two ineffectual petitions to Parliament, in favor of the authors of this Agreement. *Parl. Hist.* vol. XIX. p. 49, & *fêq.* p. 110, & *fêq.*

^{xxxvii} The insurrection of the Levellers was regarded in so formidable a light by the Parliament, that Fairfax and Cromwell were both at the head of the party which was sent against them.

⁴¹ Oliver Cromwell (1559–1658). ⁴² John Reynolds (1625–57).

far enlightened from the dark superstition of former ages, as, at the latter end of Elizabeth's reign, to bear with impatience the galling yoke of civil and ecclesiastical power, which had been united in the sovereigns of the Tudor line.

This was the disposition of the people; but such disposition, without adequate means of redress, arising from a pre-existing cause, could have produced no effect but that of vexation of spirit and re-[381]luctant bondage; for, by the system of government imposed by William the Norman tyrant,⁴³ all but the great landholders, who held their estates from father to son, by feodal intail, were in a state of abject and impassable vassalage, excluded from any voice in the legislature, or property in the soil. It was in the opposition to the weak and arbitrary administration of Henry the Third,⁴⁴ and to secure the earl of Leicester⁴⁵ and his party from the power of the crown and the great barons, that summonses were sent to the sheriffs of the counties, to elect and return two knights for each shire, two citizens for each city, two burgesses for each borough, and two barons for each cinqueport,^{xxxviii} to represent the commons or community at large,^{xxxix} and to weaken a power which had often proved fatal to his predecessors, and with the laudable intention of encouraging trade and commerce, the crafty policy of the first Henry of the Tudor line⁴⁶ passed an act in which he parted with a useless prerogative, and gave leave to those barons, or great landholders, who should attend him in his wars, to alienate their lands, to sell, to mortgage, or dispose of the same without paying for fines or licenses of alienation. The barons, whose estates had been exhausted by the long wars between the houses of York [382] and Lancaster,⁴⁷ and, by an extravagance, dissipation, and idleness which ever attends hereditary fortune, assented to this law as an act of favor and grace, which proved the great *Magna Charta* of the Commons of

^{xxxviii} The lesser barons, who held their estates by re-grants from the crown of escheated lands, had not the privilege of a seat in parliament, but were summoned at the pleasure of the King. *Guthrie* [*A General History of England* (4 vols., 1744–51), 1, p. 781].

^{xxxix} In the parliament immediately preceding this, there was an attempt to give a voice in the legislature to the Commons, by an election of twelve individuals to represent the community at large. *Guthrie* [*ibid.*]

⁴³ William I, reigned from 1066 to 1087. ⁴⁴ Henry III, reigned from 1216 to 1272.

⁴⁵ Simon de Montfort, 6th Earl of Leicester (c. 1205–65). ⁴⁶ i.e. Henry VII.

⁴⁷ The Wars of the Roses (1455–85).

England. The barrier was now thrown down between them and the nobles in matters of landed property. Industry and commerce had enabled them to make the full advantages of their new privilege, by large purchases from the needy barons; and the prodigality of this order soon occasioned the money to return back to the old channel; so that, in the next reign, the balance of power against the crown visibly leaned towards the Commons, and increased to an height which would have been formidable to the prerogative, had not the opposition of Popish and Protestant faith divided this body amongst themselves, and given opportunity to the crown, with the assistance of the now-dependant nobles, to poize in its favor the balance of religious factions. But, even with this advantage, it required all the policy of an artful woman (and in qualities of cunning the sex are supposed to excel) to keep the Commons in a subordination agreeable to the notions of prerogative which prevailed in the court of Elizabeth.

James, at the same time that he disgusts the pride of the nobility, by a profuse and indiscriminate grant of the privileges possessed by their order, bullied the Commons; whose power he was so little able to circumscribe, that the many triumphs they gained over his necessities gave them the full knowledge of their weight and importance; a knowledge which proved [383] very fatal to his successor, who, with as little ability as his father to poize factions, and conceal from the people the high pretensions and real weakness of the crown, had an obstinacy which, happily for James, was incompatible with the timidity of his nature.

The appetite for Liberty which had been occasioned by an high cultivation of their mental faculties, was, in the people of England, every day encreasing, with the means to procure that invaluable blessing. An entire change took place in their manners, from the immediate commencement of Charles's government, to what in general had existed during the preceding reigns: From a servile respect to the unjust pretensions of political privilege, from an abject submission to the dictates of church and state, from a supine tranquility under the most oppressive grievances, from a state of politic lethargy, the Commons almost suddenly roused to a spirit of free enquiry and high independence, and opposed, with unremitting ardor, that civil and ecclesiastical power to which they had hitherto paid an almost-implicit obedience. But notwithstanding this general change in the temper and manner of the times, as the English are a people not easily roused to action, it is a doubtful question, whether, to use the expression of the keenest writer in the

Republican age,⁴¹ they would have broken so suddenly from the twofold cord of the law and gospel,⁴⁸ if Charles had not preposterously quarrelled with his Scotch subjects, at a time when he was trampling on [384] the established and antient rights of a people whose wishes and views were extended beyond any of the privileges enjoyed by their ancestors. But this extreme oversight in Charles, who, because he had for some time silenced the laws, imagined he had entirely subdued the spirit of opposition, by the assistance of the Scotch nation, gave reality to those schemes of government which had long been the ardent wish of the generous part of the English. The Peers, who, since their degradation, had been much insulted by the crown, and were subject to the jurisdiction of the Star-Chamber, the High-Commission, and all the tyrannical courts which had been established by the Tudors and by the First Charles, could not be brought to support that king in his contest with the Commons, till the powers of democracy had risen too high for their united force; and the particular state of Europe, as it prevented any interposition from foreign powers, was in this contest between the crown and the people very favorable for the cause of Liberty, which, in a short time, completely triumphed over and annihilated that form of government, from the spirit of which the English had, during the space of more than five hundred years, suffered evils and insults which degrade the nobleness of the human species to an inferiority to the brute.

It was just after the battle of Worcester⁴⁹ that the nation was arrived at the meridian of its glory and the crisis of its fate: All iniquitous distinction, all opposition to the powers of democracy, were totally annihilated and subdued; the government of the [377, *sic*⁵⁰] country was in the hands of illustrious patriots, and wise legislators; the glory, the welfare, the true interest of the empire was their only care; the public money was no longer lavished on the worthless dependants of a court; no taxes were levied on the people but what were necessary to effect the purposes of the greatest national good; and such was the economy of the Parliament, that at this time, whilst they kept a superior naval force to any which the preceding sovereigns had maintained, with a land-army of eighty thousand men,

⁴¹ Marchamont Nedham [(1620–78)].

⁴⁸ Nedham, *The Excellencie of a Free State*, ed. R. Barron (1656; London, 1767), p. 51.

⁴⁹ On 3 September 1651.

⁵⁰ The pagination in the original is inaccurate for the remainder of this chapter and volume.

partly militia and partly regulars, the public assessments in Scotland, Ireland, and England did not exceed one million a-year.^{xli}

A government thus carried on on the true principles of public interest, with the advantages peculiar to the island of Great-Britain, could not but be formidable to foreign states. They felt the present strength, and trembled at the growing power of England, which bid fair to be the second mistress of the world. The great success of the Parliament's arms, with the other happy effects of their government, had to appearance totally subdued domestic opposition. The rage of party had in a great measure subsided, and the jarring factions were calmed into so general [378, *sic*] an obedience, that the king of Scots, when he invaded England, was joined by a very inconsiderable number, either of the Cavaliers⁵¹ or Presbyterians, whilst the Parliament was with alacrity assisted by the whole force of the nation.⁵²

Such being the promising aspect of the times, it is not surprising that the Commonwealth's-Men should imagine that a people who had tasted the sweets of Liberty, the benefit of equal laws, the numberless advantages of just government, after being harassed for so many years with the oppressions of king, nobles, and churchmen, would never again willingly return to their old state of vassalage; but as the true love of Liberty is founded in virtue, the Parliament were indefatigable in their endeavors to reform to a state of possible perfection the manners of the people. They have been ridiculed for a preciseness in this article; but the design was certainly laudable, and, during their short reign, attended with the happiest effects; effects which would have subsisted to this day, if they had had sufficient caution to have balanced the power of Cromwell with an equal military command in the hands of the brave and honest Ludlow,⁵³ till time and opportunity had enabled them totally to destroy

^{xli} The whole taxes on the nation, the customs, excise, and additional assessments, did not amount to above two millions a-year; which, though a sum higher than the legal revenue of preceding sovereigns, was trifling, if we consider the very large naval and land force which it was necessary to maintain to secure the country from foreign and domestic foes, till the Commonwealth could be established on a permanent footing. *Hume's Hist. of Gr. Brit.* Vol. II. [London, 1757] p. 121, & *seq.* [*Hume's History*, VI, p. 146.]

⁵¹ i.e. the royalist supporters of Charles I.

⁵² In the summer of 1651 Charles II of Scotland and the Scottish officer David Leslie, 1st Lord Newark (c. 1600–82), marched south in an unsuccessful attempt to rally supporters in England.

⁵³ Edmund Ludlow (c. 1617–92).

an influence, which, from the first establishment of the Commonwealth, had threatened its existence.

It has been fully related in the preceding pages of this History, how Cromwell, assisted by a few wrong-headed fanatics, by the corrupt part of the army, by the lawyers, who were enraged at the [379, *sic*] Parliament for an intention to reform the law, and by the clergy, who were as angry at as laudable an intention to take away the burthen of tythes, and provide for their body in a manner better calculated to maintain that harmony which ought to subsist among the different members of the ministry, and between the ministry and the laity, seized the government out of the hands of the Parliament, re-subjected the nation to the yoke of an individual, and again involved it in discord, faction, and their attendant evils, tumults, conspiracies, and general discontent.

The state of the quarrel on the usurpation of Cromwell from being general became particular: It was no longer the people of England against the pretensions of the Stewart family; the contest for power lay between the family of the Stewarts and the family of the Cromwells, and the success of either pretender must be equally attended with the misery and slavery of the people. Encouraged by this important alteration in the circumstances of the contest, and the general ill humor of the public, the Cavaliers again entered into conspiracies to place their idol in the usurped seat of empire. The Presbyterians, who had been cajoled by Cromwell for the purposes of his ambition, resumed their hopes of becoming the sole dictators to the consciences of their fellow-citizens, and now caballed with the government, and now with the Cavaliers, to destroy that liberty of conscience which had so long been the object of their envy and detestation. The sectaries, who had been united to a man in the support of the Republic, were now divided, as [380, *sic*] interest or principle swayed. The weak fanatics whom he could deceive, and the corrupt individuals whom he could bribe, supported the power and pretensions of the usurper; the honest and sensible avowed an inflexible opposition. Those illustrious patriots, whose wise and virtuous conduct had raised the glory and the felicity of the nation to an unrivalled height, deserted the helm of government, which they could no longer hold with consistence to principle or former dignity. The interest of the nation was no farther considered than as it was united to the particular interest of Cromwell. The people again sustained the mortification of paying their money to support the parade of a court, and to gratify the dependants and flatterers of an individual. The opposition which these renewed

grievances and the different interests of parties occasioned, rendered an high degree of oppression necessary to maintain the government of the usurper; and that oppression naturally produced in the people a general desire to return to the milder tyranny of the antient establishment. Morals, the great support of Liberty, declined under the government of Cromwell; the religion of the court degenerated into the impious fanaticism of the High Church party; these self-deceivers, instructed by Cromwell, imagined, or pretended to imagine, that their particular interests were inseparable to the interests and the will of the Deity: By their profane jargon, they poisoned those religious principles in the people which had been so sedulously cultivated by the parliament; and the great encouragement which the most dissolute of the old Com-[381, *sic*]monwealth-party, as being the proper tools to execute the purposes of the tyrant, met with, the excitement to pride and vanity, that great bane of true virtue and national felicity, which the ostentation of a court ever produces, infected the morals of the army and the whole nation.

From this state of misery and corruption, into which it was again fallen, England had a pleasing prospect of deliverance, by the death of the usurper and the restoration of the power of the Parliament; but Cromwell's reign, though short, was sufficiently long to make a perpetual entail of those evils his wicked ambition had occasioned; the corruption of the major part of the army, and the restless ambition of the military leaders, which had been highly excited by the successful example of Cromwell, prevented the honest endeavors of the parliament, to settle the government on the true principles of justice and equity, from taking any effect. The passions of hope, despair, fear, and revenge, affected the tranquility of the public, and rendered the desire of a settlement on any terms general. This impatience of the people, united to the restless prejudices of the Cavaliers, and the peevishness of the Presbyterians, who, misled by interested leaders, obviously hazarded the entire ruin of the just interests of their party, to revenge themselves on those who had prevented their putting into execution their favorite system of religious despotism, produced that shameful, that singular instance of sacrificing all those principles of Liberty and justice which had been established by the [382, *sic*] successful contest of the people with the crown, of voluntarily giving up all the advantages which had been gained by a long and bloody war, of not only admitting an expelled family into the power of their ancestors without limitation or conditions, but in receiving as a favor, from a poor, forlorn, and exiled individual, those necessary

stipulations for the general security of the public, which, according to the lowest principle of Freedom, ought to have been established by the authority of its representatives.

Thus, in a fit of passion and despair, the nation plunged themselves headlong into a state of hopeless servitude; for every other revolution in government had been attended with the prospect of relief. Thus they prostituted the exalted honor and interest of their country not only to be trampled on by domestic foes, but exposed it to the scorn and derision of foreign states; and thus the mighty efforts which had been made in their favor by their illustrious countrymen were not only rendered useless, but served to complete the triumph and exalt the powers of tyranny; a tyranny which, in its consequences, for a long time obscured the lustre of the brightest age that ever adorned the page of history. That obscurity is now, in some measure, happily dispelled: Time and experience have abated the violence, and confined to narrower compass the generality of those prejudices which prevailed after the restoration. The praise due to the illustrious champions of the public cause, many of whom paid the tribute of their lives and properties for the services they endea-^[383, sic]avored to render their country, is a theme of delight among the few enlightened citizens; nor are their memories, with inferior characters, some weak bigots excepted, branded with the ungrateful, the harsh terms, of 'the bloody, the impious regicides.' The poet Cowley⁵⁴ is no longer preferred to the sublime genius of Milton,⁵⁵ in whose comprehensive powers were united the highest excellencies of poetry, the acuteness of rational logic, and the deep sagacity of politic science. The recovered sense and taste of the nation can see and acknowledge that the works of Nevil,⁵⁶ Sydney,⁵⁷ and Harrington,⁵⁸ are performances which excel even the antient classics on the science of policy. In the character of Andrew Marvel⁵⁹ are allowed to be united in an exalted degree the wit, the patriot, and the legislator; and the keen satire and judicious reflections of Marchemont Nedham⁶⁰ are read with pleasure and applause.

⁵⁴ Abraham Cowley (1618–67).

⁵⁵ John Milton (1608–74).

⁵⁶ Henry Neville (1620–94).

⁵⁷ Algernon Sidney (1623–83).

⁵⁸ James Harrington (1611–77).

⁵⁹ Andrew Marvell (1621–78).

⁶⁰ Marchamont Nedham, also spelled as Marchmont and Needham (1620–78).

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[v] The public advantages which must attend a disinterested principle in historians is acknowledged by all parties, and by all parties it is equally hated and equally persecuted. The man of genius, who is capable of writing a plausible tale to pamper the vanities of the great, to serve the purposes of power, or to humour the prejudices of a prevailing faction, is certain of meeting with all those emoluments and that popularity which forms the wish of the honest man, and is the sole object of the ambitious; but should an historian arise, whose abilities as a statesman, politician, legislator, moralist, and philosopher, rendered him capable of attaining the highest degree of perfection in the sublime and comprehensive walk of history; should he be capable of giving such animation to his representation of facts as to command attention; should his narrative be sufficiently elegant to gratify taste: should his sagacity be sufficiently profound to ascertain those leading and often opposite principles and inclinations, which form the different characters of men; should he be capable of making use of every opportunity which incidents and events afford to instruct the reader on the subject of morals, religion, policy, and good government; should his integrity and his resolution be sufficient to decide upon every fact, and every character, without regard even to the nearest tie of relationship, as equity should prompt and truth should authorise, instead of gaining admirers by the honest exercise of his talents, he would raise an innumerable host of enemies: he would never meet in the breast of his reader with that impartiality, of which he had set the illustrious example, and all the imperfect sons of earth among the living would clamour in behalf of the guilty dead. It is perhaps the difficulty of these circumstances, which must take place in all countries, and which are greatly aggravated in England by the venomous rancour of contending factions, which has occasioned the subject of history to have been so long neglected in this country: [vi] and whilst England has been renowned for producing the best authors in every other species of writing, she was obliged to a foreigner for the best and the most faithful narrative of the civil and military achievements of her gallant sons. Rapin⁶¹ long maintained an unrivalled popularity in this country, but it was more from the circumstance of his having no competitor than from

⁶¹ Paul de Rapin Thoyras (1661–1725), author of *Histoire d'Angleterre* (10 vols., The Hague, 1724–7), translated into English by Nicholas Tindal. Rapin's was the most popular

the intrinsic merit of his work: he is, indeed, infinitely less partial in his account of the civil wars in the reign of Charles the First than almost any other writer of that period of our annals, but he is very prolix, and his narrative is destitute of all those animating graces and just reflections which are necessary to form an agreeable and instructive history. Guthrie⁶² and Ralph,⁶³ who wrote after Rapin, may be classed among the few faithful historians,^{xlii} and their several narratives abound with very just remarks and pertinent reflections. Guthrie's style often rises even to the sublime, and Ralph's is not wanting in animation; but these authors are too careless writers to arrive at that elegance and correctness necessary to satisfy the nicety of modern taste; they are also very prolix to a degree of tediousness. In this state of general history Mr. Hume, blessed with that genius and profound sagacity necessary to form a complete historian, had reason to flatter himself with the prospect of enjoying, without a rival, all that extensive fame and popularity which is justly due to the instructors of mankind; but whether he conceived, from the reasons above mentioned, that a candid relation of our domestic broils, as it must necessarily displease all factions,⁶⁴ would deprive him of the reward of his abilities and his industry; or whether, as I am more inclined to believe, that he had entertained prejudices inimical to that candour which must have placed him at the head of all our historians, his history, whilst it serves as an elegant pastime for the hours of leisure or idleness, leaves the reader perfectly ignorant as to characters, motives, and often facts: but as Mr. Hume's prejudices have fallen in with the prejudices of the prevailing faction in this country,⁶⁵ and as his

xlii The author has confined her observations to the writers of general history.

history of England until it was supplanted by Hume's in the second half of the eighteenth century.

⁶² William Guthrie (1708–70), author of *A General History of England* (4 vols., 1744–51).

⁶³ James Ralph (1705–62), author of *The History of England during the Reigns of K. William, Q. Anne and K. George I, with an Introductory Review of the Reigns of the Royal Brothers, Charles and James* (2 vols., London, 1744–6).

⁶⁴ This was Hume's self-presentation in his short autobiography, 'My Own Life' (1776), which Macaulay had clearly read.

⁶⁵ Macaulay refers to the alleged revival of 'Toryism' since the accession of George III. While this idea, promoted by Burke and the Rockingham Whigs, has rightly been refuted regarding parliamentary politics, it may have been more relevant for local politics in specific settings. In Bristol, for instance, the Tory Steadfast Society was revived during the American conflict and disseminated John Wesley's writings on passive obedience.

admirable genius is fully equal to the inspiring every unlearned, incurious and negligent reader with the prejudices of the author, he has for a long time maintained an unrivalled popularity in the walk of English history, and has been regarded by the few discerning friends of Revolution principles, and the admirers of those pa-[vii]trioti who have spilt their blood in the public cause, as the having helped to forward, with other concurring circumstances, the declension of Whig sentiments, and the wonderful increase of those opinions and principles which were so justly decried by the nation towards the middle of this century.

Animated with the love of liberty, and an enthusiastic regard to English patriotism, I ventured to take the pen in hand, with the intention of vindicating the insulted memories of our illustrious ancestors, and of exposing to the public the evils which this country has suffered from the intrigues of faction and the rage of party; and I vainly hoped that the conviction of uncontrovertible argument, founded on fact, would, in a series of time, extinguish the baneful influence of party spirit; would gradually and almost imperceptibly incline the people to consider the objects of their proper interest, and that all ranks would unite in the laudable and generous attempt of 'fixing dominion's limits to its proper end'⁶⁶ of realizing all those advantages in our mixed form of government, which experience has found to be only theoretical; of restraining the oppressions of the great, by the cutting off a few noxious privileges, which are equally mischievous to themselves as to the community; and of curbing the licentiousness of the common people by the coercion of wholesome laws, and a well regulated police. This, without any unconstitutional design, or any wild enthusiastic hope of being able to influence the minds of a nation in favour of a democratic form of government, who from the beginning of time have been under the rule of regal sway, and whose laws, manners, customs, and prejudices are ill adapted to a republic, is the grand aim of my writings: and this I cannot help regarding as a patriotic and pious design, because, in my opinion, religious and moral turpitude, in a great measure, flow from political error; and that the miseries of natural evil are from the same cause highly aggravated.

⁶⁶ Macaulay is likely using these quotation marks for emphasis rather than in reference to a specific work.

As republican principles and notions have always been too unpopular in this country to found on them any rational scheme of interest or ambition, it was obvious to me, that, however erroneous might be the opinions of the few republicans whom opportunity enabled to take an active part in the af-[viii]fairs of England, that their conduct was founded on principle, because diametrically opposite to their interest, and even their safety; accordingly the fate of every one of this party, who did not change with the changing times, was banishment, an ignominious death, or the entire ruin of their fortunes: whilst, on the contrary, the men whose conduct was governed either by Whig or Tory principles, were, as the different factions prevailed, in their turn triumphant; and it is from the conviction only of the integrity of their motives that I appear in my history to be partial to the leaders of the republican party.

In Mr. Hume's very artful narration of facts, he represents Charles the First as a prince whose government had in no degree exceeded the arbitrary precedents which had been set by his predecessors; and as the English had formerly submitted, without a murmur, to the despotic sway of these monarchs, he argues, that the crown had acquired a kind of right by the peaceable possession of a long usurped tyranny; and that consequently Charles fell a victim to the malignancy of the times, rather than to any faults in his administration, which urged the necessity of taking up arms against him.⁶⁷ That the government of the greater number of our princes, particularly that of Henry the Eighth, and even many parts of Elizabeth's administration, was directly contrary to Magna Charta, and to the rule of all free governments, cannot be disputed with Mr. Hume; but as that servility and implicit obedience to the unjust commands of the sovereign, which accompanied the times of political ignorance in this country, after the power of the Barons was broken by Henry the Seventh, and the religious factions which took their rise in the reign of Henry the Eighth, occasioned the parliaments to acquiesce with the lawless pretensions of their monarchs, the form of a free government was in some measure preserved, and by that means a remedy yet remained in the constitution to correct those evils which time, ignorance, and opportunity had occasioned. The knowledge of ancient literature, and consequently the knowledge of Roman and Greek policy, had made no inconsiderable progress in this country during the reigns of Henry the Eighth, Edward,⁶⁸ Mary, and Elizabeth; and on the accession of

⁶⁷ *Hume's History*, v, esp. pp. 542–3.

⁶⁸ Edward VI, reigned from 1547 to 1553.

James, the more civilized part of the nation began to entertain very large and very comprehensive notions on the subject of civil liberty: they beheld with regret that large portion of undi-[ix]vided power which the crown had acquired by the arbitrary courts of justice, which had been erected during the administration of the Tudor race; and they determined to seize the first favourable occasion to reduce the regal prerogative to its ancient limits, left a long and undisputed possession, with accidental circumstances favourable to the strengthening these usurpations by a military force, should for ever put it out of the power of the people to regain that authority which is necessary to the existence of a free government. The ill policy of Charles the First in the wars with Spain and France, which he entered into in the beginning of his reign, afforded to the friends of liberty a full opportunity to make their own terms with the court. The king's necessities were pressing, and the constitution allowed of no impositions on the people which were not authorised by the voice of their representatives. The question in dispute between the king and the commons immediately became critical: it was necessary for the sovereign to relinquish the encroachments of his predecessors, or to assume the essential authority of a despotic monarch, by levying arbitrary taxes on the people, without the consent of parliament.⁶⁹ The prejudices of Charles induced him to chuse the latter of these expedients: taxes were levied by the king's authority only, the use of parliaments was altogether laid aside, and the form and spirit of the government became entirely despotic. By the corrupt decision of the judges, in the case brought before them by the famous Hamden,⁷⁰ the king, for twelve years,⁷¹ enjoyed in tranquility the triumph he had gained over the liberties of his country, and might, perhaps, have fixed the constitution on the basis of despotism, had he been possessed of the temporizing spirit of Elizabeth; or had he employed ministers equally subtle and equally able to those consummate politicians who directed the councils of this princess. It was indeed more owing to the furious and bigotted conduct of Laud,⁷² than to the spirit and resolution of the people, that the smallest vestige of freedom at this time remains in

⁶⁹ Notably, the collection of 'tonnage and poundage' (two customs duties) and later ship money.

⁷⁰ John Hampden (1595–1643).

⁷¹ Macaulay refers to the period between 1628 and 1640.

⁷² William Laud (1573–1645), appointed archbishop of Canterbury in 1633, and executed in 1645 during the Wars of the Three Kingdoms.

England: his absurd and impolitic persecution of the Presbyterians, whose religious principles were somewhat favourable to civil liberty than were those of the Church of England, threw that whole party into the scale of opposition; and when united to the partizans of civil liberty, the balance of popular opinion became greatly in disfavour of the king's pretensions and administration. However, though the large majority of the nation [x] felt very sensibly the yoke of tyranny, their discontent was expressed in unavailing murmurs, 'till the influence of Laud prevailed over the ill-fated Charles to excite the resentment of his Scotch subjects, by impositions and novelties in matters of religion.⁷³ The necessity which this produced of calling a parliament, and the union of the Scotch and English male contents, soon brought matters to that point of civil contention, in which the success of parties can only be decided by the sword. After a long and bloody contest, victory declared itself on the side of the male contents, and the power of disposing of the king, and forming the government, fell entirely into the hands of the English parliament.

In this situation of affairs it is certain that the popular leaders might have cut off all the dangerous prerogatives of the crown, without any innovation in the form of the government; and the natural good sense and virtue of the king might have inclined him to have kept within the limits of those narrow bounds, which the male-contents must have found necessary, for the security of public liberty and the preservation of the party, to have prescribed: but besides the danger which was to be expected from the king's matrimonial connection, and the rancour of his partizans, a very unfortunate difference subsisted between the king and the parliament on the subject of religious government; and the men who at this time had the prevailing influence in the councils of the nation, had a predilection for those popular governments which had raised the glory of Pagan societies to the acme of human greatness: they also recollected the tranquility with which Charles was suffered for twelve years to trample on the laws and liberties of the land; that England was at last indebted for her deliverance to the vigour of Scotch opposition, rather than to the determined spirit of her own sons; and they conceived that there was a malignity in this form of government productive of a servility which secured its permanence. They thought that victory gave them a right to inflict on the conquered party that

⁷³ The Bishops' Wars in 1639 and 1640.

punishment, which, on motives of policy and motives of revenge, themselves must have sustained in the same situation; and they regarded it as a duty incumbent on them to make use of the opportunity which the fortune of war, or a peculiar providence, had put in their hands, to bar every avenue thro' which tyranny could possibly again slide into the administration of the government. Thus reasoned [xi] every honest individual in that party, who were the chief instruments in the death of the king; and they reasoned as human beings blind to the events of futurity, events which often foil the wisdom of the deepest politician, and render the boasted sagacity of the intelligent a subject of derision to the vulgar and the ignorant. Could these generous patriots, who had ventured life and fortune in the vindication of the rights of nature, and the liberties of the land, have fathomed the depth of Cromwell's hypocrisy; could they possibly have foreseen that a nation who had undergone such hardships and dangers for the attainment of freedom, who had dethroned a sovereign, descended from a long line of princes, for having encroached on their native rights, would submit to a state of slavery to a private individual, no ways exalted above his brethren in any of those endowments which constitute the true greatness of character, or excelling in any quality, but in the measure of a vain and wicked ambition, and in a dissimulation calculated to deceive those who are too honest to suspect the concealed vices which lay hidden under a well acted hypocrisy; could they possibly have foreseen, that a party who had sacrificed a man of virtue to secure the permanence of freedom in their civil and religious government, should be so far instigated by the principles of envy and revenge, as to give up all their dear bought rights to a prince, whose character, in point of morals and probity, was at best very questionable, and sacrifice their religious security to the prejudices and rancour of an opposite faction; they would undoubtedly have taken the lead in all pacific counsels, and have closed with the subdued monarch on as safe and secure terms as the circumstances of the time and the nature of things would admit. Had the form of government intended by the popular leaders taken place, and had Englishmen at this day lived under the sway of a well regulated democracy, we should have looked up to these execrated characters with all that respectful veneration which was paid by the Greeks and Romans to the illustrious founders of their republics. It may be very agreeable to the barbarity of vulgar ignorance to entertain prejudices against men, whose conduct has not been attended with that success which grace endeavours of a similar nature in more

fortunate individuals: but surely it is incompatible with the wisdom of an historian to judge of actions by consequences, and without any regard to motives; to deal out panegyric or invective accord-[xii]ng to the measure of success or ill fortune which attend those persons who figure in the walk of public life.

As the Jacobites⁷⁴ have carried their panegyric of the first Charles to a height which induced the utter condemnation of all those who opposed this monarch on public grounds, it was impossible to do justice to the patriotic characters which figured in this age, without examining into the conduct and administration of this prince with a degree of rigorous justice and vigilant enquiry which his unhappy fate would otherwise have rendered ungenerous and inhuman: but in this inquiry I was so far from feeling myself the bloody-minded Republican, as I have been termed by the butcherly writers of these days, and so far even from possessing the stoicism of the first Brutus, that I shed many tears whilst I was writing his catastrophe,⁷⁵ and I have endeavoured to do justice to that part of his conduct which I thought truly great, and worthy the imitation of posterity.

I have also been accused of the want of humanity and sympathy, because I have in my writings appeared insensible to the rigour of that fate which fell on some very culpable state delinquents, and in particular on the earl of Strafford: but in this case I shall appeal to the judgment of the candid, whether the sympathising, according to the fanciful distinctions of power, birth, office, or fortune, with a few individuals who possess these advantages, and the beholding without pain, and even with triumph, the happiness of the community at large sacrificed to the rapacious lusts of interested governors, is more rational than that generous and extensive sympathy which regards, with an equal eye of compassion, the infirmities and the afflictions of all men, and who censures in proportion to the magnitude and the extent of the mischiefs which attend the selfish conduct of the powerful; and whether there is either reason, good sense, or rational humanity, in exclaiming against all those who brought the earl of Strafford to justice for advising the king to levy arms against his subjects, and consequently, if victorious, of subduing

⁷⁴ The supporters of the Stuart royal family after the Glorious Revolution, named after James's Latin name, Jacobus.

⁷⁵ Hume had famously written that he had shed a generous tear for Charles I (and the Earl of Strafford); see Hume, 'My Own Life', in *Essays, Moral, Political, and Literary*, ed. Eugene F. Miller (Indianapolis, 1987), p. xxxvii.

the free principles of the constitution, and thus entail on present and future generations the misery of perpetual slavery; and at the same time acknowledging the justice of inflicting a similar punishment for crimes of a very inferior nature, which perhaps arise from motives of necessity, and which only militate against the peace of individuals.

[xiii] I well knew what personal disadvantage I set out with, from that impartiality which I had determined to observe on the conduct of the different factions, which have harassed the internal peace of this empire; and when I gave up the emoluments of favour, the countenance of the great, and the gratification of popular applause, on a principle of public utility, I had some reason to expect esteem for my integrity and industry, and especially as I have never thrown any personal abuse on any individual, in or out of power; nor have ever sullied my pen with those anonymous writings calculated to anguish the feeling heart, to fix an indelible stain on the manners of Englishmen, and to inflict the poignancy of mental sufferings not only on the defamed persons, but on all those who are attached to them, either by the ties of blood, or the yet stronger ties of affection. I have endeavoured, with the most indefatigable pains, to make my History useful to men of all conditions; and I am persuaded that no moderate churchman, or honest lawyer, can, on cool reflection be offended with the historian's free observations on the conduct of men who have been the authors of much public and private mischief, and whose violent counsels, and dishonest practices, have frequently disturbed the peace, and endangered the liberties of the empire. If I have been severe on misguided princes, and bad ministers, it is with a view only to the interests of the people; and if all historians would preserve the same honest rule, instead of varnishing, with false colours, the vices of the powerful, it would, from that general desire which all men have of preserving some degree of reputation after death, form a kind of literary tribunal, productive of a very useful reformation in the conduct of those favoured sons of fortune on whose good or bad qualities the happiness and welfare of societies depend. The candid and the generous will, undoubtedly, from these considerations, behold, without malice or resentment, the wicked or weak conduct of their ancestors represented in its proper light; and especially when they reflect that it would be very unbecoming the character, and contrary to the duty of an historian, to spare even the memory of a parent, if he was found defective in those patriotic virtues which eminently affect the welfare of society.

If the warmth of my temper has occasioned me to be guilty of any petulancies in my first productions, they arose from the inexperience of the historian, and the early period of life in which she began to write history; but though I have been pursued with virulent invectives, I have never yet been made acquainted with my literary faults. Criticisms formed with judgment and temper command attention; but when personal invective supplies the place of argument, and the reputation of authors are attacked in order to decry their writings,⁷⁶ it is a very strong symptom in favour of those productions against which the battery of abuse is levelled; and in this case an individual, in the full enjoyment of that internal satisfaction which a faithful exertion of mental abilities affords the rational mind, must look down with contempt on the angry croud, nor suffer their fierce and loud clamours, in any respect, to divert him from pursuing the grand object of his honest ambition.

Jan. 1781,
Laurence-street, Chelsea,
Middlesex.

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[473] [. . .] Every necessary previous circumstance being thus laid, in a manner to ensure success, Algernon Sidney was, on the 7th of November,⁷⁷ brought up to the King's-Bench bar, and indicted for treason. The indictment produced on this occasion for confusion, verbosity, and invective, exceeded all the compositions of this kind; and Sidney, instead of pleading, offered to shew, that it was impossible to plead sensibly to such a jumble of things, distinct both in nature and in law. He made a tender of a special plea, but withdrew it on being told by the court that he must either plead or demur, and that his life depended on the validity of his plea, or rather on the sentence which should be passed upon it. Mr. Williams, the counsel for the prisoner,⁷⁸ prompted him to rely on the plea; but, on the complaint of the

⁷⁶ This was written after Macaulay had been harshly treated in relation to her marriage to 21-year-old William Graham in 1778. Within months of the marriage she was mocked in a flurry of publications, including *A Bridal Ode on the Marriage of Catharine and Petrucio*, *A Remarkable Moving Letter!*, *The Patriot Divine to the Female Historian* and *The Female Patriot*.

⁷⁷ In 1683. ⁷⁸ One of Sidney's counsels.