

CHAPTER XXI.

The Long Parliament.—Difficulty of narrating its history in a limited space.—Of what manner of men composed on its first meeting.—Opening of the Parliament.—Election of Speaker.—Petitions from the prisoners under sentence of the Star-Chamber.—Their triumphal entry into London.—Arrival of the earl of Strafford.—The House of Commons resolve to impeach him.—His arrest.—Arrest of archbishop Laud.—Impeached of high-treason, and committed to the Tower.—Finch, the Lord-Keeper, and Windebank, Secretary of State, fly the country.—The judges in the case of ship-money proceeded against.—Destruction of crosses and images.—Charges against Strafford.—His trial.—Arrangements of Westminster Hall.—Daily course of proceedings.—Bill of attainder proposed in the House of Commons.—Disclosure of Henry Vane.—Strafford's last speech in his defence.—Pym's reply.—Close of the trial.—The bill of attainder passed by both Houses.—Army plots and popular clamours.—Protestation.—Efforts of the king to save Strafford.—He finally abandons him.—His execution.

THE Long Parliament—the most memorable Parliament that England ever saw—the Parliament which, for two centuries, has been the theme of the most extravagant hatred and the most exaggerated praise—the Parliament, whatever be its merits or its faults, which has the one glory of having rendered it impossible that the Monarchy of England could endure except in alliance with representative freedom—this Parliament of thirteen years' duration now claims our anxious regard. Those who are bewildered by the crowd of persons, the rush of events, the contrariety of opinions, as they read the history of this Parliament in the more important contemporary historians and memoir-writers, will comprehend the impossibility of adequately relating the great story in a hundred or so of pages. We must necessarily go over the old track, without lingering by the way-side, if we would arrive at the end of our journey in any reasonable time. Though this old track has been often trodden, it is still very dark and devious; and it has been rendered more difficult by some of its professed guides, and by one especially, who has made very treacherous stepping stones over parts of the road now known to be foul and dangerous. We shall endeavour to pursue our way warily but not fearfully. What should we fear? The time is past when it was thought necessary for a loyal subject of the British crown to deify

Charles or disabolify Cromwell. In the truer and nobler spirit of our own day, the statutes of Hampden and of Falkland now claim our united reverence as we tread the vestibule of our Houses of Lords and Commons.*

In the rude wood-cut which heads a newspaper of 1642, we have a representation, almost ludicrous, of that great assemblage to which it was given to "rough-hew" the destinies of England. In a far more elaborate engraving of the Lower House, in 1623, we see the five hundred members placed in five rows, tier above tier, in that old Chapel of St. Stephen's, famous for generations. † On the 3rd of November, 1640, there were sitting on those benches men whose names will endure as long as England is a nation; men whose memories are now venerated in lands, then undiscovered, or chiefly occupied by barbarous tribes, where the principles of representative government are sustaining the Anglo-Saxon race in their career of liberty, whilst they fill new continents with their language and their arts. But it is not only from the more illustrious of that Parliament that we have derived our great inheritance of civil rights. There were men there of many varieties of opinion, as to the extent to which reforms of the Church and of the State should be carried. But there were very few indeed, who did not see that the time was come when a stand was to be made against the arbitrary power which, whether embodied in Strafford or Laud, in Finch or Windebank, had so long and so successfully carried on a warfare "against our fundamental laws—against the excellent constitution of this kingdom, which hath made it appear to strangers rather an idea than a real commonwealth, and produced the honour and happiness of this, as the wonder of every other nation." ‡ Those who opposed the despotic pretensions of Charles and of his father were not the innovators, as some would pretend. When Clarendon tells us of the House of Commons, that "the major part of that body consisted of men who had no mind to break the peace of the kingdom, or to make any considerable alteration in the government of Church or State," he correctly represents the general temper of the Long Parliament in its first year. But when he adds that "all *inventions* were set on foot from the beginning to work on them and corrupt them, by suggestions

* "In our days the history of the English Revolution has changed its face. . . . The narrative and opinions of Hume have ceased to satisfy the imagination and reason of the public."—GIZOT.

† Engraved in Lord Nugent's "Hampden," vol. i.

‡ Falkland's charge against Finch.

of the dangers that threatened all that was precious to the subject in their liberty and their property, he uses the term "inventions" in the place of the *facts* which no one has set forth more distinctly than himself in the earlier portion of his history. There was, indeed, many a country-gentleman and citizen who went up to this Parliament with a hatred of ship-money and of all other illegal imposts, with a horror of the Court of High Commission and the Star-Chamber, and with a determination to prosecute, even to the death, the unjust judge and the tyrannical minister, who yet had the most unshaken loyalty to the king. Charles did not understand the character of this Parliament. He conceded much; but in the very act of concession he showed his weakness rather than his sense of right; and there was reasonable fear enough, however exaggerated by popular mistrust, that at the first favourable moment the Parliament would be dissolved, and the old arbitrary power resumed with new force. Treacherous schemes on one side, and extravagant demands on the other, rendered almost hopeless any other issue than Civil War. Then, necessarily, men chose their sides. Those "who had no mind to break the peace of the kingdom" were compelled to draw their swords, friend against friend, and brother against brother; and those who had no original design "to make any considerable alteration in the government of Church or State," had all to witness, and many to promote, the downfall of the ecclesiastical system which Augustin had founded, and the ruin of the monarchy which Alfred had built up.

On the memorable 3rd of November Charles opened this Parliament. He met his people with no cheerful display of royal splendour. "The king himself did not ride with his accustomed equipage, nor in his usual majesty, to Westminster, but went privately in his barge to the Parliament Stairs."* Very few members were absent from their places. Charles addressed the House in a tone of conciliation: "One thing I desire of you, as one of the greatest means to make this a happy Parliament, that you on your parts, as I on mine, lay aside all suspicion, one of another." It was scarcely in the power of the representatives of the people to have hastily accepted the renewal of a broken confidence, even if they had been so willing. The fatal dissolution of Parliament, six months before, had spread a spirit of resistance to the court which was not confined to idle complainings. Sir Thomas Gardner, the recorder of London, had been designed by the king to

* Clarendon.

fill the office of Speaker in the coming Parliament. Contrary to all precedent he was rejected by the city; and no influence could procure his election in any other place. On the morning of the meeting of Parliament, the king was told that his choice was useless. Lenthall was chosen Speaker. In a few days there was abundant work for the Commons. Troops of horsemen arrived in London, craving redress of grievances upon their petitions. From the Fleet Prison came a petition from Alexander Leighton, who had been ten years in confinement; and another from John Lilburne, the sturdy London apprentice who had been whipped and imprisoned for distributing Prynne's books. Lilburne's petition was presented by Oliver Cromwell. From the several distant castles in which they were confined, the petitions of Prynne, and Burton, and Bastwick, reached the House. These prisoners were ordered to be brought to London. Leighton, mutilated, deaf, blind, crept out of the cell in which he expected to die, to receive some recompense for his sufferings. Lilburne had a money compensation voted to him. Prynne and one of his fellow-sufferers made a triumphal entry into London. "Burton and Prynne came through the most of the city triumphantly: never here such a like show: about a thousand horse, and, as some of good note say, above four thousand; above a hundred coaches, and, as many say, above two hundred; with a world of foot, every one with their rosemary branch. Bastwick is not yet come from Seilly."* It was voted that these sufferers should be restored to their callings; and that those who had unjustly sentenced them should pay high damages, as compensation, to each of them. Bastwick returned at the beginning of December, with trumpets sounding, and torches burning, and a thousand horse for his convoy. "God is making here a new world," says Baillie.

Some days before the assembling of Parliament, two remarkable men met in Westminster Hall, and began conferring together upon the state of affairs. Mr. Pym told Mr. Hyde "that they must now be of another temper than they were the last parliament; that they must not only sweep the house clean below, but must sweep down all the cobwebs which hung in the top and corners, that they might not breed dust, and so make a foul house hereafter; that they had now an opportunity to make the country happy, by removing all grievances, and pulling up the causes of them by the roots, if all men would do their duties."† This was not idle talk

* Baillie's "Letters and Journal," vol. i. p. 277.

† Clarendon.

of Mr. Pym. On the night of Monday, the 9th of November, the earl of Strafford came to London. On the morning of Wednesday, the 11th, Pym rose in his place in the House of Commons, and, saying that he had matters of the highest importance to propose, desired that strangers should be excluded and the doors of the House be locked. The member to whom Pym discoursed of pulling up the causes of grievances by the roots was in the House, and has preserved an abstract of Pym's speech. He recapitulated all that the nation had endured in the attempt to deprive them of the liberty and property which was their birthright; "these calamities falling upon us in the reign of a pious and virtuous king, who loved his people, and was a great lover of justice." Pym's praise of the king, according to Clarendon, was, that he might wound him with less suspicion. "We must inquire," said the impassioned speaker, "from what fountain these waters of bitterness flowed." There was one man more signal than the rest in bringing these miseries upon the nation—"a man who, in the memory of many present, had sat in that House an earnest vindicator of the laws, and a most zealous supporter and champion for the liberties of the people; but long since turned apostate from those good affections, and, according to the custom and nature of apostates, was become the greatest enemy to the liberties of his country, and the greatest promoter of tyranny that any age had produced." And then he named "the earl of Strafford." Pym concluded by expressing a hope that they would provide a remedy proportionable to the disease. The members went on debating till the usual time of rising was come; but an order was given that no one should leave the House. After many hours of bitter investigation into the actions of Strafford, it was moved, "that he might be forthwith impeached of high treason, which was no sooner mentioned than it found an universal approbation and consent from the whole House." We must not forget that Mr. Hyde was himself in the House; and that whatever colour he may give, when he writes as Lord Clarendon, to the proceedings against Strafford, he was one of those who gave consent and approbation to the impeachment. Falkland, indeed, recommended, though fully concurring in the determination to impeach, that there should be a farther investigation by a committee previous to the impeachment; but Pym frankly said, that the moment their proceedings were known, Strafford would procure the Parliament to be dissolved, or resort to some other desperate measures; whereas, if they went at once to the Lords, he would neces-

sarily be committed to safe custody. Late as it was, the peers were still sitting. The doors of the House of Commons were thrown open, and Pym, at the head of three hundred members, proceeded to the House of Lords, and there, at the bar, in the name of the Lower House, and of all the Commons of England, impeached Thomas, earl of Strafford, of high treason, and required his arrest. The scene which followed has been spiritedly told by the Principal of the University of Glasgow, who, in his visit to London, had leisure to learn more than most men, and had ability to relate well what he learnt or saw: "The Lords began to consult on that strange and unexpected motion. The word goes in haste to the Lord Lieutenant, where he was with the king: with speed he comes to the House; he calls rudely at the door. James Maxwell, keeper of the Black Rod, opens. His lordship, with a proud glooming countenance, makes towards his place at the board-head: but at once many bid him void the House; so he is forced in confusion to go to door till he was called. After consultation, being called in, he stands, but is commanded to kneel, and, on his knees, to hear the sentence. Being on his knees, he is delivered to the keeper of the Black Rod, to be prisoner till he was cleared of these crimes the House of Commons did charge him with. He offered to speak, but was commanded to be gone without a word. In the outer room, James Maxwell required him, as prisoner, to deliver his sword. When he had gotten it, he cries, with a loud voice, for his man to carry my Lord Lieutenant's sword. This done, he makes through a number of people towards his coach, all gazing, no man capping to him, before whom that morning the greatest of England would have stood discovered, all crying, What is the matter? he said, A small matter, I warrant you! They replied, Yes, indeed, high treason is a small matter! Coming to the place where he expected his coach, it was not there; so he behoved to return that same way through a world of gazing people. When at last he had found his coach, and was entering, James Maxwell told him, your lordship is my prisoner, and must go in my coach; so he behoved to do."*

There were others to be dealt with by the same summary process who had rendered themselves obnoxious to the nation. Strafford had been committed to the Tower on the 25th of November. On the 4th of December there is this entry in Laud's Diary:—"The king gave way, that his Council should be examined upon

* Baillie, "Letters and Journal," vol. i. p. 272.

oath in the earl of Strafford's case; I was examined this day." Very shortly after, the archbishop himself had to undergo a more severe ordeal. On the 16th of December the Canons which had been passed in Convocation after the dissolution of the last Parliament were, to use Laud's own words, "condemned in the House of Commons as being against the king's prerogative, the fundamental laws of the realm, the liberty and propriety of the subject, and containing other things tending to sedition, and of dangerous consequence." He adds: "Upon this I was made the author of them, and a Committee put upon me to inquire into all my actions, and to prepare a charge." On the same day he was named by the Scottish Commissioners, in the Upper House, as an "incendiary." On the 18th, Denzel Hollis carried a message to the Lords, impeaching the archbishop of high treason. Laud was handed over to the custody of the usher of the Black Rod. When he left Lambeth, there was a tribute to his private character which is touching in itself, but has no bearing upon his public errors. He says, "As I went to my barge, hundreds of my poor neighbours stood there, and prayed for my safety, and return to my house. For which I bless God and them." Ten weeks afterwards he was committed to the Tower. Articles of impeachment were prepared against the lord-keeper Finch, and against sir Francis Windebank, secretary of state. They both fled the country. "Within less than six weeks," writes Clarendon, "for no more time was yet elapsed, these terrible reformers had caused the two greatest counsellors of the kingdom, and whom they most feared, and so hated, to be removed from the king, and imprisoned, under an accusation of high treason; and frightened away the lord keeper of the great seal of England, and one of the principal secretaries of state, into foreign lands, for fear of the like." But the terrible reformers did not rest here. Five of the judges, who had declared ship-money lawful, were visited with a just retribution for their servility. They were compelled to give securities to abide the judgment of parliament, whilst the most obnoxious of them, sir Robert Berkeley, being impeached of high treason, was taken to prison from his judgment-seat in the King's Bench, "which struck," says Whitelocke, "a great terror in the rest of his brethren then sitting in Westminster Hall, and in all his profession." A laborious and learned writer has shown how, in the times of the Plantagenets, the judges were regarded as "indifferent arbitrators, whose decisions on constitutional points were conclusive, and be-

yond the possibility of doubt or suspicion." But he truly points out the difference in the times of Charles I. "One of the primary causes of the great rebellion that overthrew the government, and that cost the king his head, was the degradation of the bench of justice."* Clarendon himself clearly saw this great source of the people's discontent.† In the proceedings of the House of Commons which led to the arrest of Berkeley, one speaker, supposed to be Pym, but whose name does not occur in the pamphlet which contains the speech, uttered these remarkable words: ‡ "Mr. Speaker, blasted may that tongue be that shall, in the least degree, derogate from the glory of those halcyon days our fathers enjoyed during the government of that ever-blessed, never-to-be-forgotten royal Elizabeth. But certainly I may safely say, without detraction, it was much advantage to the peace and prosperity of her reign, that the great examples of Empson and Dudley were then fresh in memory. The civility of our law tells us, that the king can do no wrong but then only is the state secure when judges, their ministers, dare do none. Since our times have found the want of such examples, 'tis fit we leave some to posterity!"

Whilst the leaders of the Parliament were intent upon the re-establishment of civil rights, and the punishment of those who had violated them, the great religious party carried out the principles which had covered Scotland with ecclesiastical ruins, by an order that "commissions should be sent into all counties for the defacing, demolishing, and quite taking away of all images, altars, or tables turned altar-wise, crucifixes, superstitious pictures, monuments, and reliques of idolatry, out of all churches and chapels." § There is an interesting passage in Mrs. Hutchinson's Memoirs of her husband which illustrates the mode in which this order worked in country parishes, such as that in which Mr. Hutchinson's house of Owthorpe was situated: "The Parliament had made orders to deface the images in all churches. Within two miles of his house there was a church, where Christ upon the cross, the Virgin, and John, had been fairly set up in a window over the altar, and sundry other superstitious paintings, of the priest's own ordering, were drawn upon the walls. When the order for razing out those reliques of superstition came, the priest only took down the heads of

* Foss, "Judges of England."

† *Ante*, p. 362.

‡ Quoted by Mr. Forster, in his "Life of John Pym," p. 144.

§ By a subsequent vote the crosses of Cheapside and Charing were taken down. Evelyn, in his "Diary," May 2nd, 1643, says, "I went from Wotton to London, where I saw the furious and zealous people demolish that stately cross in Cheapside."

the images, and laid them carefully up in his closet, and would have had the church officers to have certified that the thing was done according to order; whereupon they came to Mr. Hutchinson, and desired him that he would take the pains to come and view their church, which he did, and upon discourse with the parson, persuade him to blot out all the superstitious paintings, and break the images in the glass; which he consented to, but being ill-affected, was one of those who began to brand Mr. Hutchinson with the name of Puritan." The so-called Puritan was then a young man of twenty-three; and he was in himself a faithful representation of the religious English gentleman, who had been bred up in a horror of papistical observances, and who, by study of the history of his country, and by serious meditation on the state of public affairs, was prepared to take an earnest part in the great struggle of his time: "He applied himself," says Mrs. Hutchinson, "to understand the things then in dispute; and read all the public papers that came forth, between the king and parliament, besides many other private treatises, both concerning the present and foregoing times. Hereby he became abundantly informed in his understanding, and convinced in conscience, of the righteousness of the parliament's cause, in point of civil right."

On the 30th of January, the charges against Strafford were laid before the House of Lords. These were twenty-eight in number. The Scottish Commissioners, and a deputation from the Irish parliament, also put forward the same charges, of endeavouring to rule the north of England and Ireland by military power; of attempting to subvert the fundamental laws of the realm; of labouring to overthrow parliaments and parliamentary authority. During the anxious period between the commitment of the great earl on the 11th of November, and his trial on the 22nd of March, the Commons had laboured assiduously in the work of legislation as well as in that of punishing the instruments of evil government. Of these legislative labours, which they continued till the close of the Session, we shall give a short general view before we conclude our narrative of the first Session of this memorable Parliament. Meanwhile, let us relate, as briefly as the importance of the subject allows, the proceedings in the trial and attainder of "the one supremely able man the king had,"*—the man whose acquittal and restoration to power would, in the opinion of most persons, have given the death-blow to the liberties of England. The proceedings against that eminent

* Carlyle.

man have been condemned by many, who fully admit, with Mr. Hallam, "that to bring so great a delinquent to justice according to the known process of the law was among the primary duties of the new parliament." But, "the known process of the law" having been set aside, it is held that justice was not rightly administered. The proceedings have been defended, even while it is fully admitted, as Mr. Macaulay admits, that his "attainder was, in truth, a revolutionary measure;" and in the same spirit they are justified, "by that which alone justifies capital punishment, or any punishment, by that alone which justifies war, by the public danger."*

"In that Westminster Hall which had witnessed so many memorable scenes; in that hall in which, re-edified by Richard II., the Parliament sat which deposed him, and Bolingbroke placed himself in the marble chair;—in that hall were More was condemned, and Henry VIII. sentenced a heretic to the fire, and the protector Somerset was doomed to the scaffold;—in that hall was to be enacted a scene more strange than any which had gone before,—the arraignment of the great minister who was identified with the acts of the sovereign—a virtual trial of strength between the Crown and the People. Of this trial, May, the parliamentary historian, says, "So great it was that we can hardly call it the trial of the earl of Strafford only. The king's affections towards his people and parliament, the future success of this parliament, and the hopes of three kingdoms dependent upon it, were all tried when Strafford was arraigned. * * * Three whole kingdoms were his accusers, and eagerly sought in one death a recompense of all their sufferings." May speaks also, of "the pompous circumstances and stately manner of the trial itself." The hall was fitted up in a manner quite unusual in any previous state-trial. There was a throne for the king at the north end; the woosack of the Lord-Steward, the earl of Arundel; benches for the peers, who sat in their red robes, lined with ermine; sacks for the lord keeper and the judges; and, what constituted the peculiarity of this trial, a stage of eleven tiers of seats on each side of the hall, seven of which were reserved for the members of the House of Commons, who were all there in Committee. The king did not occupy the throne, but sat with the queen and his family in a box on the side of the throne. "The trellis, that made them to be secret, the king broke down with his own hand, so they sat in the eye of all," writes Baillie, who was present in the seats appointed for the Scotch Com-

* Macaulay, "Essay on Nugent's Hampden."

missioners. The doors were kept, he says, "very straitly with guards. We always behoved to be there a little after five in the morning." The Lords were in their places daily by eight o'clock; the king was usually half-an-hour before them. Many ladies were present, in galleries allotted to them. On Monday, the 22nd of March, as on every succeeding day, the earl of Strafford was brought to Westminster from the Tower in a barge, accompanied by the lieutenant, with boats full of armed men; and on his landing he was guarded by the trained band. He took his place below the bar at a desk, attended by four secretaries and his counsel. "He was always in the same suit of black, as in doole [mourning]. At the entry he gave a low courtesie; proceeding a little he gave a second; when he came to his desk a third; then at the bar, the fore-face of his desk, he kneeled: rising quickly, he saluted both sides of the Houses, and then sat down. Some few of the Lords lifted their hats to him. This was his daily carriage."* The sitting each day was prolonged to two, three, or four o'clock. "It was daily the most glorious assembly the isle could afford; yet the gravity not such as I expected," writes the observant Scot. While the earl was preparing his answers to particular charges, the Lords, he says, "got to their feet, walking, and clattered." The Commons, too, made loud clattering. After ten o'clock they ate and drank, "bottles of beer and wine going thick from mouth to mouth without cups, and all this in the king's eye."

But if, in the few resting minutes of this solemn trial, the wants of the animal man were supplied after a homely fashion, never was the supremacy of intellect more strikingly put forth to move pity or compel indignation. "Every day, the first week," writes May, "from Monday to Saturday, without intermission, the earl was brought from the Tower to Westminster Hall, and arraigned many hours together; and the success of every day's trial was the greatest discourse or dispute in all companies." The first of these days was occupied by reading the articles of impeachment and Strafford's written answers to them. On the second day Pym, the greatest orator of the Lower House—that great assembly of high thinkers and bold doers—being commanded by the Lord-Steward to proceed, thus began:—"My Lords, we stand here by the commandment of the knights, citizens, and burgesses, now assembled for the Commons in Parliament; and we are ready to make good that impeachment whereby Thomas earl of Strafford stands charged in

* Baillie, vol. i. p. 316.

their name, and in the names of all the Commons of England, with high-treason." The House of Commons had passed a vote "that the earl of Strafford had endeavoured to subvert the ancient and fundamental laws of the realm, and to introduce arbitrary and tyrannical government." To sustain this allegation was the chief object of Pym and the other managers of the impeachment; and although the greater number of the articles exhibited could not be technically brought within the Statute of Treasons, they contended that acts which tended to subvert the constitution were acts of treason against the king. Our necessary limits will not permit us to go through the various and complicated charges upon which this principle was to be sustained. They were, chiefly, acts of oppression as president of the Council of the North; arbitrary proceedings against individuals as governor of Ireland; a contempt for justice, by his assertion that the Irish were a conquered nation, and that the king might do with them as he pleased. He was charged that, as chief minister of England, he had advised the king, if parliament failed to give him supplies, to levy what he needed by his prerogative; and that after the dissolution of parliament, he said the king had vainly tried the affections of his people, and he was free to do whatever his power would admit. On all these points Pym spoke, having constant reference to the answers which Strafford had put in. Strafford replied; and Pym rejoined. On the third day, Maynard, a lawyer, one of the managers, followed up the accusations regarding Strafford's Irish administration; and Strafford, as before, replied with wondrous readiness—wondrous when it is considered that he was suffering from severe disease, and was alone against a host of enemies. Day after day this contest went on. "Many foul misdemeanors," says May, "committed both in England and Ireland, were daily proved against him; but that ward which the earl, being an eloquent man, especially lay at, was to keep off the blow of high treason, whatsoever misdemeanours should be laid upon him; of which some he denied, others he excused and extenuated with great subtlety, contending to make anything good, that misdemeanours, though never so many and so great, could not, by being put together, make one treason, unless some one of them had been treason in its own nature." On the thirteenth day of the trial, the 10th of April, Pym moved in the House of Commons that the proceedings should take the new form of a bill of attainder against the earl of Strafford.

There was a rising member of the House, Henry Vane, the son

of sir Henry Vane, who was comptroller of the royal household in 1639, and in 1641 was secretary of state. The youthful member for Hull, afterwards so famous as—

“Vane, young in years, but in sage counsel old,”

who, in his early enthusiasm for civil and religious liberty had left all the prospects of ambition which naturally opened to him, to join the colony of New England, had now returned home, as his friend Milton had returned, when the mother country required the service of her children. He was the means of an extraordinary disclosure connected with the counsels of Strafford to the king. On that 10th of April Pym stood up, Henry Vane being in his seat, and produced a paper containing “a copy of notes taken at a junto of the Privy Council for the Scots affairs, about the 5th of May last.” Whitelocke thus relates how these notes, which were in the handwriting of old sir Henry Vane, were obtained:—“Secretary Vane, being out of town, sent a letter to his son, sir Henry Vane the younger, then in London, with the key of his study, for his son to look in his cabinet for some papers there, to send to his father. The son looking over many papers, among them alighted upon these notes; which being of so great concernment to the public, and declaring so much against the earl of Strafford, he held himself bound in duty and conscience to discover them. He showed them to Mr. Pym, who urged him, and prevailed with him, that they might be made use of in the evidence against the earl of Strafford, as being most material, and of great consequence, in relation to that business.” Young Vane’s breach of his father’s confidence will be judged harshly or compassionately, according to the degree in which it is believed that the public good is the supreme law. Old Vane wept in the House when the notes were produced. These notes were the record of a dialogue in which Laud, Hamilton, and Strafford were the speakers in Council; and the words which Strafford addressed to the king were these: “You have an army in Ireland that you may employ to reduce this kingdom to obedience.” On the 13th of April, Pym read these notes in Westminster Hall. Lord Clare, Strafford’s brother-in-law, contended that *this* kingdom meant Scotland and not England. Strafford took up this point, and maintained that a man’s life should not depend upon a single word. The notes were admitted as evidence against him. The whole tenor of Strafford’s correspondence can leave no doubt upon the mind of any dispassionate person, at the present day, that

Strafford would not have had the slightest hesitation in recommending the king to let him bring the Irish army to England, for the overthrow of the fundamental laws of the realm. The peers of 1641 had not these materials of judgment before them; but they had ample means of knowing that such an intention was in perfect accordance with the principles which Strafford proclaimed and acted upon.

Whilst the bill of attainder was debated in the Commons, the Lords continued to sit judicially in Westminster Hall, as if no such measure were in agitation. After the notes discovered by the younger Vane had been received, Strafford was called upon for his general defence upon the facts, leaving the law to his counsel. He spoke two hours and a half. The hard and prejudiced Principal of Glasgow University says, “He repeated nought new but the best of his former answers; and, in the end, after some lashness and fagging, he made such ane pathetic oration, for ane half hour, as ever comedian did upon a stage. The matter and expression was exceeding brave: doubtless, if he had grace or civil goodness, he is a most eloquent man. The speech you have it here in print. One passage made it most spoken of; his breaking off in weeping and silence, when he spoke of his first wife.” Whitelocke, to whom we owe many of the most interesting memorials of this great time, has preserved this peroration in a less perishable form than that of the “Diurnal” which Baillie transmitted to his Scottish friends:

“My Lords, it is hard to be questioned upon a law which cannot be shown. Where hath this fire lain hid so many hundreds of years, without any smoke to discover it, till it thus burst forth to consume me and my children? That punishment should precede promulgation of a law,—to be punished by a law subsequent to the fact, is extreme hard: what man can be safe if this be admitted? My Lords, it is hard in another respect, that there should be no token set, by which we should know this offence, no admonition by which we should avoid it. If a man pass the Thames in a boat, and split upon an anchor, and no buoy be floating to discover it, he who owneth the anchor shall make satisfaction; but if a buoy be set there, every man passeth at his own peril. Now, where is the mark, where the token upon this crime, to declare it to be high treason? My Lords, be pleased to give that regard to the peerage of England as never to expose yourselves to such moot points, to such constructive interpretations of laws: If there must be a trial

of wits, let the subject-matter be of somewhat else than the lives and honours of peers.—It will be wisdom for yourselves, for your posterity, and for the whole kingdom, to cast into the fire these bloody and mysterious volumes of constructive and arbitrary treason, as the Christians did their books of curious arts, and betake yourselves to the plain letter of the law, that telleth us what is, and what is not treason, without being more ambitious to be more learned in the art of killing than our forefathers. It is now full two hundred and forty years since any man was touched for this alleged crime, to this height, before myself: Let us not awaken those sleeping lions to our destructions by raking up a few musty records that have lain by the walls so many ages forgotten or neglected. May your Lordships please not to add this to my other misfortunes: Let not a precedent be derived from me so disadvantageous as this will be in the consequence to the whole kingdom. Do not through me, wound the interest of the commonwealth; and, however these gentlemen say they speak for the commonwealth, yet, in this particular, I indeed speak for it, and show the inconveniences and mischiefs that will fall upon it. For, as it is said in the statute, 1 Hen. IV., no man will know what to do or say for fear of such penalties. Do not put, my Lords, such difficulties upon ministers of state, that men of wisdom, of honour, and of fortune, may not with cheerfulness and safety be employed for the public: If you weigh and measure them by grains and scruples, the public affairs of the kingdom will lie waste; no man will meddle with them who hath anything to lose.

“My Lords, I have troubled you longer than I should have done, were it not for the interest these dear pledges a saint in heaven left me.”—Here he paused and shed a few tears.—“What I forfeit for myself is nothing; but that my indiscretion should extend to my posterity woundeth me to the very soul. You will pardon my infirmity; something I should have added, but am not able, therefore let it pass. And now, my Lords, for myself, I have been by the blessing of Almighty God, taught that the afflictions of this present life are not to be compared to the eternal weight of glory which shall be revealed hereafter. And so, my Lords, even so, with all tranquillity of mind I freely submit myself to your judgment; and whether that judgment be of life or death, *Te Deum laudamus.*”

When we read these burning words, we can easily believe the statement of May, that the ladies in the galleries were all on

Strafford's side. “So great,” he says, “was the favour and love which they openly expressed to him, that some could not but think of that verse,

“Non formosus erat, sed erat facundus Ulysses;
Et tamen æquoreas torsit amore Deas.”

Never was quotation more happy. Strafford was not beautiful, but he was the eloquent Ulysses, who bent the sea-goddesses to his love. After such appeals—not only to “the pity proper to their sex,” which May attributes to Strafford's fair friends, but appeals to all who could be moved by natural sympathy towards a man bearing up so bravely in the presence of imminent danger and under the pressure of disease,—the majestic periods of Pym's reply would fall dull and cold. Even now Strafford touches the heart, whilst Pym holds the understanding in his powerful grasp. There never was a grander scene in the ancient world of “famous orators”—not when Demosthenes “fulminated” against Philip, and Catiline trembled before Cicero—than when Pym, in the presence of the king of England, proclaimed that treason against the people was treason against the throne, and intimated that the sovereign who abetted such treason was not himself safe from “a miserable end.” We may drop a tear for the fate of Strafford; but we should ill deserve the freedom which we enjoy under a constitutional monarchy, if we did not feel how much we owe to the noble assertion of the dominion of law over arbitrary power which Pym then sent forth into the heart of England:

“The law hath a power to prevent, to restrain, to repair evils. Without this, all kinds of mischief and distempers will break in upon a state. It is the law that doth entitle the king to the allegiance and service of his people; it entitles the people to the protection and justice of the king. It is God alone who subsists by himself; all other things subsist in a mutual dependence and relation. He was a wise man that said that the king subsisted by the field that is tilled; it is the labour of the people that supports the crown. If you take away the protection of the king, the vigour and cheerfulness of allegiance will be taken away, though the obligation remain. The law is the boundary, the measure, betwixt the king's prerogative and the people's liberty. Whilst these move in their own orbs, they are a support and a security to one another,—the prerogative a cover and defence to the liberty of the people, and the people by their liberty enabled to be a foundation