

to the prerogative. But if these bounds be so removed that they enter into contestation and conflict, one of these mischiefs must ensue,—if the prerogative of the king overwhelm the people, it will be turned into tyranny; if liberty undermine the prerogative it will grow into anarchy.”

There was not a man in that great assembly who could refuse assent to the truth of these words. Happy would it have been; much misery would have been spared; we might have reached in 1641 what we were struggling for till 1688, had these oracular sentences been equally the guide of prince and people. Charles must have started at the prophetic warning which followed:—

“Arbitrary power is dangerous to the king’s person, and dangerous to his crown. It is apt to cherish ambition, usurpation, and oppression, in great men, and to beget sedition and discontent in the people; and both these have been, and in reason must ever be, causes of great trouble and alteration to princes and states. If the histories of those eastern countries be perused, where princes order their affairs according to the mischievous principles of the earl of Strafford, loose and absolved from all rules of government, they will be found to be frequent in combustions, full of massacres, and of the tragical ends of princes. If any man shall look into their own stories, in the times when the laws were most neglected, he shall find them full of commotions, of civil distempers, whereby the kings that then reigned were always kept in want and distress; the people consumed by civil wars; and by such miserable counsels as these some of our princes have been brought to such a miserable end as no honest heart can remember without horror, and an earnest prayer that it may never be so again.”

Again and again Pym asserted his leading principle, that the offences of Strafford constituted the crime of treason, inasmuch as he had “endeavoured by his words, actions, and counsels, to subvert the fundamental laws of England and Ireland, and to introduce an arbitrary and tyrannical government.” By the wise law of the reign of Edward VI., all treasons were reduced to the standard of the statute of Edward III., under which the offence was clearly defined as comprising seven distinct heads—1, compassing the death of king, queen, or their heir; 2, the offence which was alleged against the two wives of Henry VIII., and those implicated with them; 3 and 4, levying war against the king, and adhering to the king’s enemies; 5 and 6, counterfeiting the king’s seal, and counterfeiting the king’s money; 7, slaying the king’s chancel-

lor, treasurer, or justices. Pym’s interpretation of treason appears, therefore, a somewhat forced inference from the actions and counsels of Strafford. And yet, fanciful as it may sound, there is reason in this grand declamation: “Shall it be treason to embase the king’s coin, though but a piece of tweldepence or sixpence? And must it not needs be the effect of a greater treason to embase the spirit of his subjects, and to set up a stamp and character of servitude upon them, whereby they shall be disabled to do anything for the service of the king and commonwealth?” It is natural that we should question the justice of such an extension of a definite statute. Mr. Hallam, however, thus qualifies our doubts: “We are not to suppose that the charges against the minister appeared so evidently to fall short of high treason, according to the apprehension of that age, as in later times has usually been taken for granted;” and he points out what we shall have presently to notice, that the judges were of opinion that, upon the articles held by the Peers to be proved against Strafford, he deserved to undergo the penalties of the law.

The close of this great trial in Westminster Hall was dramatic, in the highest sense of that word. Pym wound up his speech with this appalling denunciation.

“The forfeitures inflicted for treason, by our law, are of life, honour, and estate, even all that can be forfeited; and this prisoner having committed so many treasons, although he should pay all these forfeitures, will be still a debtor to the commonwealth. Nothing can be more equal than that he should perish by the justice of that law which he would have subverted. Neither will this be a new way of blood. There are marks enough to trace this law to the very original of this kingdom; and if it hath not been put in execution, as he allegeth, these two hundred and forty years, it was not for want of law, but that all that time hath not bred a man bold enough to commit such crimes as these.”*

Pym had a few more formal words to utter, but having turned round, his eyes met those of Strafford, who was intently gazing on his accuser—the friend of his earlier years—his associate in the great struggle which produced the Petition of Right, which Charles and his ministers trampled upon.† The ancient friend, whose blood the accuser had demanded in the name of his country, had said,

* The authority for Pym’s speech is Rushworth. To understand its power, it should be read complete in Mr. Forster’s “Life of Pym.”

† *Ante*, p. 336.

in one passage of his defence, "It pierces my heart, though not with guilt yet with sorrow, that in my grey hairs I should be so misunderstood by the companions of my youth." Their eyes met. Pym faltered. The unimaginative Baillie thus describes, and accounts for, the sudden failure of the great orator: "To humble the man, God let his memory fail him a little before the end. His papers he looked on, but they could not help him to a point or two, so he behaved to pass them."*

The Bill of Attainder of the earl of Strafford was passed by the Commons on the 21st of April. Fifty-nine members voted against it out of a house of two hundred and sixty-three. Amongst them was lord Digby, son of the earl of Bristol. Although he described Strafford as "the grand apostate to the commonwealth who must not expect to be pardoned in this world till he be dispatched to the other," he said, "and yet, let me tell you, Mr. Speaker, my hand must not be to that dispatch. I protest, as my conscience stands informed, I had rather it were off." The Bill was carried to the Upper House by Pym, with a message "that it was a Bill that highly concerned the Commonwealth in the expediting of it." The king then went to the House of Lords, and stated that he had been present during the whole trial of Strafford; that he could not condemn him of high treason; but, said he, "I must confess for matter of misdemeanours, I am so clear in that, that though I will not chalk out the way, yet let me tell you, that I do think my lord Strafford is not fit hereafter to serve me or the commonwealth in any place of trust, no, not so much as that of a constable." This interference was offensive to the Commons, who deemed it a breach of privilege for the king to take notice of any Bill during its passage through Parliament. There were other circumstances ill-calculated to allay the temper of the Commons or the people. Rumours, afterwards distinctly proved not to be without foundation, were rife, of a plot to bring up the army from the north to overawe the parliament, and to effect the release of Strafford. Preachers in the city poured forth invectives against the "great delinquent." Multitudes thronged the approaches to the House of Lords, demanding "Justice." The names of the fifty-nine members of the Commons who had voted against the Bill of Attainder were placarded as

* Baillie describes this concluding oration as "one of the most eloquent, wise, true speeches that ever we heard, or I think shall ever hear." M. Guizot, referring to the authority of the "State Trials," says that Pym read a prepared answer, without being listened to by any one; and that the look of scorn which Strafford gave him made him falter at the beginning of his speech, "which he had great difficulty in delivering."

"Straffordians, or betrayers of their country." The Peers, consulting with the judges whether some of the articles against Strafford, which they considered proved, amounted to treason, received an unanimous opinion that he had incurred the penalties which the law awarded to that crime. The articles of treason which the Peers deemed proved, were, the fifteenth, which charged the Lord Deputy of Ireland with raising money on his own authority, and quartering troops on the people of Ireland, in order to compel obedience to his unlawful requisitions; and the nineteenth, that which charged him with imposing an unlawful oath on the Scots in Ireland. In a house of forty-five, twenty-six Peers voted Strafford guilty, and passed the Bill of Attainder.

Whilst this question was under debate in the House of Lords, the Commons were singularly moved by the disclosures which were made of the king's own participation in the design "to disaffect the army to the Parliament;" to bring it up from the north with the view to place absolute power in the Crown. Goring, a colonel in the army, having taken umbrage at some preference shown to Percy, a brother-conspirator, disclosed the plan to lord Newark, who revealed it to other lords, through whom it reached the indefatigable John Pym. He brought the whole matter before the House of Commons. The evidence of this plot, though by no means definite or conclusive, was sufficient to prove that the king had listened to a proposal of appealing to a military force to control the representatives of the people. In the Memoirs of Madame de Motteville, who states that she had the information from the queen herself, there is a relation of this army plot, which is described as a meritorious design, carried on at the desire of the king and queen. Henrietta's favourite, Jermyn, was deeply implicated in it. Even with the imperfect knowledge which the Commons possessed of this somewhat wild scheme of the courtiers, combined with the fact that Strafford had offered twenty thousand pounds to sir William Balfour, the lieutenant of the Tower, to permit his escape, we can scarcely wonder at their immediate adoption of strong measures. Their first resolution was to draw up a Protestation, under oath to defend the Protestant Church, his majesty's person and power, the privileges of parliament, and the lawful rights and liberties of the people. This was immediately sworn to and signed by every member present; was sent to the House of Peers, who all signed except two; and was circulated for general signature through the kingdom. This Protestation became a touchstone of

opinions. Some months after, four thousand Buckinghamshire petitioners rode to London with a copy of the Protestation stuck in each man's hat. But the Protestation was of far less consequence than a short bill which was carried in this moment of alarm. Earlier in the session an Act had passed "for the prevention of inconveniences happening by the long intermission of parliament;" but the Bill which immediately followed the Protestation,—“to prevent inconvenience which may happen by the untimely adjourning, proroguing, or dissolving this present parliament,”—made the Parliament itself the sole arbiter of its own duration. The royal assent was given by commission to this Bill on the 10th of May. On the same day, the same commissioners consented to the Bill of Attainder against the earl of Strafford. On the 11th of May, the king sent a letter to the Lords by the Prince of Wales, in which he desired that a conference might take place with the Commons, to the intent, he said, that “both Houses of Parliament consent, for my sake, that I should moderate the severity of the law in so important a case.” This extraordinary postscript was added:—“If he must die, it were charity to reprove him until Saturday.” Strafford had generously written a letter to the king to set his “conscience at liberty,” so as to allow him to pass the Bill of Attainder, “for prevention of evils which may happen by your refusal.” But it is clear that the earl, who thus gave this last proof of his fidelity, expected another result; for he exclaimed, when it was announced to him that the king had passed the Bill, “Put not your trust in princes.” It is unnecessary here to enter into the question of the weakness or wickedness of the king in consenting to the sacrifice of Strafford. Charles held it, in the subsequent struggle of his life, as his one great fault,—that which was justly punished by Heaven in his misfortunes. Strafford met his fate with the same resolution which had characterised the public actions of his life. He walked to the scaffold, says Rushworth, a spectator of the scene, with the step and manner of “a general marching at the head of an army, to breathe victory, rather than those of a condemned man, to undergo the sentence of death.” As he passed the window of the room in which Laud was confined, he asked the blessing of the archbishop, and moving on exclaimed, “God protect your innocence.” The firm yet modest demeanour of the great earl produced little mitigation of the dislike of the people. “In the evening of the day wherein he was executed, the greatest demonstrations of joy that possibly could be expressed ran through the whole town, and

countries hereabout; and many, that came up to town on purpose to see the execution, rode in triumph back, and with all expressions of joy, through every town they went, crying, ‘His head is off, his head is off.’” Warwick, the zealous adherent of the court, tells this, “to show how mad the whole people were, especially in and about this then bloody and brutish city, London.” *

* Warwick, “Memoirs,” p. 164.