

of the most godly, is the knot of the question." By "the most godly" the exclusive presbyterian meant those only of his own persuasion. What was called "the root and branch party" was especially strong in London; and the House of Commons had come to a resolution for the abolition of episcopacy before the adjournment in 1641, by a majority of thirty-one, upon a bill brought in by sir Edward Dering. Archbishop Usher had prepared a scheme of reformation, under which each county was to be a diocese, with a governing college, or presbytery, of twelve, under the presidency of a bishop; and the House also voted for this plan. The measure for excluding the bishops from the House of Peers, which was the cause of the popular agitation in the Christmas of 1641, was supported by many who had no desire to subvert the church, or to establish an ecclesiastical democracy. Falkland was one of those who went to this extent. But to minds like that of Falkland, earnest for civil and religious liberty, but also attached to the ancient institutions; disliking the persecutions which the non-conformists had endured, but also offended by the narrow and bitter spirit of the puritans; opposed to popish superstitions, but yet disgusted by the desecration of holy places, and by the insults offered to the ministers of religion—to minds of this anti-fanatical and tolerant cast the temper of the parliamentary leaders, and of the populace at this period, must have been the signal for their ultimate separation from their party. In this revolution of England, as in all other revolutions, those who halt between two opinions can scarcely expect to be victors. It is for the Cromwells to go forward, ever confident and self-willed, from imminent danger to triumphant success; but it is for the Falklands to ingeminate the word "Peace, peace;" and to seek death in the battle-field as the only refuge of hearts broken through the desolation of their country.*

With these fearful contentions around the king's palace and the houses of parliament—Lunsford and his cavaliers drawing their swords upon the city apprentices in Westminster Hall on one day, and the apprentices returning in great force on another day, crying out "Slash us now"—the Commons again petitioned the king for a guard under the command of the earl of Essex. This guard the king refused, except it were under an officer appointed by himself. The leaders of the Commons had too many friends about the court not to know that some crisis was approaching. The king had, no

* See Clarendon's famous character of Falkland, vol. iv. p. 240.

doubt, reasonable fears that it was contemplated to deprive him of the control of the military force of the kingdom; and this, which was the great point of difference in all subsequent attempts at negotiation, might have led him to the adoption of the fatal measure which shut out all hopes of tranquillity. On the 31st of December it was voted in the Commons "that the House be resolved into a Committee on Monday next, January 3rd, to take into consideration the Militia of the kingdom." From the time of the army plot in May, 1641, it had been the object of the Commons to vest the command of the Militia in persons nominated by themselves. We have several times had occasion to point out that there was no regular military force kept up, except a few soldiers retained for the defence of fortresses. In earlier times of danger, the people were called out under commissions of array. When invasion was apprehended, as on the alarm of the Spanish Armada, the sovereign exercised the power of mustering and training the population for the common defence. The royal authority for arming the people in time of peace was very doubtful. Thus the Parliament, whilst the question of the Militia was in dispute, authorised "An Act for the better raising and levying of soldiers for the present defence of the kingdoms of England and Ireland," in which it was declared that, "by the laws of this realm, none of his majesty's subjects ought to be impressed, or compelled to go out of his county to serve as a soldier in the wars, except in case of necessity of the sudden coming in of strange enemies into the kingdom, or except they be otherwise bound by the tenure of their lands or possessions."* There appeared no legal provision for calling out the Militia in time of peace, except by a new Act of Parliament. With our present knowledge of the constitutional powers of the sovereign, we can have no hesitation in affirming that the power of nominating the officers of such a force was necessarily a part of the royal prerogative; and that the requisition of the Commons to place the command of the Militia in the hands of lords-lieutenant of each county, to be nominated in a bill, and to obey the orders of the two Houses, was an undue invasion of the rights of the Crown. But, on the other hand, we must not forget that in the case of Charles he had manifested a disposition, which Strafford had distinctly encouraged, to employ an army to make himself absolute. The king and the parliament were at issue upon the vital point as to which should wield the power of the sword. The Commons

* 16 Car. I. c. 28.

suspected the king. The king hated the Commons. The question of the Militia, and the question of episcopacy, were the questions that made the opening year of 1642 the most ominous in English history. The king endeavoured to solve the grand difficulty by what, in modern times, is called a *coup-d'état*.

When Charles, at this period of tumult and alarm, had bestowed office on Colepepper and Falkland, and had sought the councils of Hyde, he "declared that he would do nothing that in any degree concerned or related to his service in the House of Commons without their joint advice, and exact communication to them of all his own conceptions." So writes Clarendon, adding, "which without doubt his majesty did at this time stedfastly resolve, though in very few days he did very fatally swerve from it." The historian then describes the influence possessed over the king by lord Digby, who he represents as a man of great vanity, ambition, and self-confidence. "The king himself," he says, "was the unfittest person alive to be served by such a counsellor, being too easily inclined to sudden enterprises, and as easily startled when they were entered upon." Thus, he says, "a very unhappy counsel was proposed and resolution taken, without the least communication with either of the three who had been so lately admitted to an entire trust." It would have been difficult for an enemy of Charles to have more strongly depicted the weakness, rashness, and faithlessness of his character, than in these words of his friend and panegyrist.

On the 2nd of January, when the king sent his refusal to the Commons to appoint a guard for their security, he added, "We do engage to you solemnly, on the word of a king, that the security of all and every one of you from violence is, and ever shall be, as much our care as the preservation of ourselves and our children." On the 3rd of January, the attorney-general, sir Edward Herbert, appeared at the bar of the House of Lords, and in the king's name accused of high-treason, lord Kimbolton, and five members of the Commons. These members were Pym, Hollis, Hampden, Haslerig, and Strode. The attorney-general desired that these persons should be placed in custody, and a secret committee appointed to examine witnesses. They were accused of endeavouring to subvert the fundamental laws of the kingdom, and deprive the king of his regal power; of alienating the affections of the people from the king; of drawing his majesty's late army from their obedience; of encouraging a foreign power, Scotland, to invade the kingdom; of endeavouring to subvert the rights of parliament; of compelling the

parliament to join with them in their traitorous designs; and of conspiring to levy war against the king. The charge of corresponding with the Scots, in 1640, was, as we have shown, a technical act of treason, for which there was a legal defence under the Statute of Oblivion. The other charges had reference to their parliamentary conduct, as Clarendon implies. On the same day a serjeant-at-arms appeared at the bar of the House of Commons, and required the Speaker to place five members in his custody, whom the king had accused of high-treason. The five members were present when the officer named them. They remained in their places, silent. The Speaker commanded the serjeant to retire; and sent a deputation to the king, of which Falkland and Colepepper formed part, to say that so important a message should receive their most serious consideration, and that the members should be ready to answer any legal charge. The papers of the accused had been sealed up, at their lodgings, by the king's command. The House ordered that the seals should be removed, and the Speaker's warrant issued for the apprehension of those who had affixed them. The House then adjourned. On the morning of the 4th, the five members of the Commons were in their places. It was perfectly well known to a few what was about to happen. The king had acted illegally, in the first instance, by sending a serjeant-at-arms to demand the persons of the members without any warrant of the privy council or of a magistrate. It was now known that he was about to follow up this despotic attempt by an act still more unconstitutional. The Commons sent a message to the lord mayor, aldermen, and common council, to inform them that the privileges of parliament were in danger; and some members were deputed to the inns of court to desire the law students not to come to Westminster, as it was understood that they had been tampered with. The House then adjourned till one o'clock. In a short time, it was made known that the king was coming down the street from Whitehall, escorted by three or four hundred armed persons. Again it was reported that the king, with his band of attendants, had entered Westminster Hall. It was a moment of terrible suspense. Some members drew their swords. The more prudent urged the five accused to retire, to prevent bloodshed. An account of the scene which ensued has been preserved in the notes of one present, sir Ralph Verney, member for Aylesbury. It is as graphic as it is important as a parliamentary precedent.*

* Mr. Hallam prints it from the original notes more correctly than it is given in Hallam's "Precedents of Proceedings in the House of Commons."

"As soon as the House met again [after the morning adjournment], it was moved, considering there was an intention to take these five members away by force, to avoid all tumult, let them be commanded to absent themselves; upon this the House gave them leave to absent themselves, but entered no order for it. And then the five gentlemen went out of the house.

"A little after, the king came with all his guard, and all his pensioners, and two or three hundred soldiers and gentlemen. The king commanded the soldiers to stay in the hall, and sent us word he was at the door. The Speaker was commanded to sit still, with the mace lying before him; and then the king came to the door, and took the palsgrave in with him, and commanded all that came with him on their lives not to come in. So the doors were kept open, and the earl of Roxburgh stood within the door, leaning upon it. Then the king came upwards towards the chair, with his hat off, and the Speaker stepped out to meet him; then the king stepped up to his place, and stood upon the step, but sat not down in the chair.

"And after he had looked a great while he told us he would not break our privileges, but treason had no privilege; he came for those five gentlemen, for he expected obedience yesterday, and not an answer. Then he called Mr. Pym and Mr. Hollis by name, but no answer was made. Then he asked the Speaker if they were here, or where they were? Upon this the Speaker fell on his knees, and desired his excuse, for he was a servant to the House, and had neither eyes nor tongue to see or say anything but what they commanded him; then the king told him he thought his own eyes were as good as his, and then said his birds had flown, but he did expect the House should send them to him; and if they did not, he would seek them himself, for their treason was foul, and such a one as they would all thank him to discover; then he assured us they should have a fair trial; and so went out, pulling off his hat till he came to the door.

"Upon this the House did instantly resolve to adjourn till tomorrow at one of the clock, and in the interim they might consider what to do."

CHAPTER XXIII.

The king demands the Members at Guildhall.—Manifestations of popular discontent.—The king removes from Whitehall.—The Members brought back in triumph.—The queen leaves England.—Conference at Newmarket.—The king refused entrance to Hull.—Parliamentary Ordinance for the Militia.—The king forms a body guard at York.—Propositions of the Parliament.—View of society immediately before the commencement of the Civil War.—Arming of the People.—The Cavaliers.—Influence and character of the Puritans.—The Clergy.—Shutting up of the Playhouses.—Volunteers of London.—Women petitioning.—London apprentices.—Industry affected by the preparations for civil war.—Disturbances in the country districts.—Maintenance of order generally.—Influence of the Press.—The Poets.—The Journalists.—Superstitions.—The king sets up his Standard at Nottingham.—His gloomy prospects.—Messages between the king and parliament.—Essex marches from London.

WHEN the king left the House of Commons, the members for a few seconds sat in mute astonishment; but the cry of "Privilege, Privilege," then burst forth, and the House instantly adjourned. As the members passed into the lobbies, they found themselves amongst a crowd of their own servants and other spectators, who were repeating the violent expressions which had been used by the king's attendants. The accused members proceeded to the city. The night was one of general alarm. The citizens formed themselves into armed patrols. The cry was that the Cavaliers were coming to fire the city. At Whitehall there was terror and despondency. The queen, who in the morning had seen the king go forth from the palace, promising her that he would return in an hour, master of his kingdom, saw him return under the disgrace of having attempted an unlawful act, and failed in the attempt. In the evening it was known that the six members were in a house in Coleman street. Lord Digby offered, says Clarendon, "with a select company of gentlemen, who would accompany him, whereof sir Thomas Lunsford was one, to seize upon them, and bring them away alive, or leave them dead in the place." The historian, who had just related the scene in the House of Commons, adds, with wonderful *naïveté*, "but the king did not like such enterprises." The Commons assembled on the 5th, and, declaring the king's coming "in a warlike manner" a high breach of privilege, ad-