

instead of Westminster. The judges were ordered there to attend the king. Had this state of things continued, a greater evil would have ensued than the bloodshed and plunder of the war. But, by what was a practical compromise for the remedy of an enormous social mischief—one that might have led to a general insecurity of life and property—the Parliament resolved to establish a Great Seal: and under this authority, and that of the king, judges executed their functions as usual, after a suspension of a few months. No doubt, according to their political prepossessions, they regarded the king either as deriving his power from divine right, or as a trustee for his people. At a later period, we find a judge of assize laying down as a principle, “that kings, rulers, and governors, and particularly the king of this realm, should be accountable to the people for their misgovernments;” and, on the other hand, there were, we may conclude, judges who maintained the position which this judge controverts, “that the king had an original right to rule over men upon earth; and that God had not given power to earthly men to call him to account.” These were the two great theories with regard to “a pure monarchy,” and “a political monarchy, or monarchy governed by laws.”* But whatever was considered the original foundation of government, none of the administrators of justice relaxed the principle that the law should be rigidly maintained, as regarded all private transactions. During these unhappy times England was in a great degree exempt from crimes of violence, except those committed under the pretence of martial necessity. No bands of plunderers infested the country; no lawless and ferocious spirits who, as many passages of the histories of other countries record, considering a time of public commotion as their opportunity, held the peaceful in terror. England was safe from those massacres and spoliations which characterise a nation when the reins of just government are loosened. This immeasurable blessing she owed to her ancient civil organisation, and to that respect for law which has made the constable’s staff the efficient representative of the sovereign’s sceptre.

The repose of Oxford was soon broken up by new military enterprises. The suspension of arms contemplated in the negotiations which commenced to the end of March, were, on the 15th of April, declared by the parliament to be at an end. On that day Essex marched his army to the siege of Reading. The town had been fortified; and the garrison there, although wanting provisions

* Sergeant Thorpe’s Charge to the Grand Jury. Harleian Miscellany, vol. vi. p. 113.

and ammunition, was composed of resolute men. The approaches were regularly constructed, batteries erected, and trenches dug. The possession of Reading was considered of great importance. The king himself, on the 24th of April, set out from Oxford to head a force for the relief of the besieged. The army which he led was numerous and well appointed. At Caversham bridge the royalist forces were repulsed by those of the parliament, and fell back upon Wallingford. That day Reading was surrendered to Essex. The cavaliers were indignant that the commander of the garrison had not longer held out; and he was tried, and sentenced to death. The king reprieved him. Hampden, who had taken an active part in the siege of Reading, now urged Essex to follow up their success by an attack upon Oxford. The bold counsels were overruled. The parliamentary commander gradually became distrusted by his party. His honour and his capacity were unquestionable; but he was too inclined to forego present good in the contemplation of uncertain evils. He could not make war upon his king and his fellow-countrymen as if he were in a foreign land. Such a man should not have drawn the sword at all. Meanwhile, the war was proceeding with doubtful fortune in other quarters. Sir William Waller was successful against the royalists in the south and west. Fairfax was disputing with lord Newcastle the supremacy of the north. The Cornish men, in arms for the king, had gained a battle over lord Stamford. What could not be accomplished in the open field by the Cavaliers was sought to be effected by a secret plot. The lady Aubigny had received a permission from the parliament, with a pass, to proceed to Oxford to transact some business arising out of the death of her husband, who was killed at Edgehill. On her return to London she was commissioned by the king to convey a box thither, with great care and secrecy. His majesty told her “it much concerned his own service.” This is Clarendon’s account, who represents the box to have contained a commission of array to certain persons in the city, for the promotion of the king’s service. Ludlow says, “The king, to encourage his friends in the city to rise for him, sent them a commission for that purpose by the lady Aubigny, which she brought, made up in the hair of her head.” On the 31st of May, the members of the two Houses were listening to a sermon in St. Margaret’s church, when a note was delivered to Pym. He hastily left. That night Edmund Waller, once famous as a poet, but whose “smooth” verse we now little regard, was arrested. His brother-

in-law, Mr. Tomkins, Mr. Challoner (a citizen), and other persons, were also taken into custody. Waller was a member of parliament, and had been at Oxford, in March, with the commissioners. There was unquestionably a plot to arm the royalists in London, to seize the persons of the parliamentary leaders, and to bring the king's troops into the capital. Waller, in a base spirit which contrasts with the conduct of most of the eminent of either party, made very abject confessions, with exaggerated denunciations of others, to save his own life. The parliament behaved with honourable moderation. Five persons were condemned by court-martial; two, Challoner and Tomkins, were executed. Waller was reserved, to exhibit in his literary character a subserviency to power which has fortunately ceased to be an attribute of poets—to eulogise the happy restoration of Charles II., as he had eulogised the sovereign attributes of the Protector Cromwell. "He had much ado to save his life," says Aubrey, "and in order to do it sold his estate in Bedfordshire, about 1300*l.* per annum, to Dr. Wright for 10,000*l.* (much under value), which was procured in twenty-four hours' time, or else he had been hanged. With this money he bribed the House, which was the first time a House of Commons was ever bribed."*

Important events succeeded each other rapidly during this summer. Rupert's trumpet sounded to horse in Oxford street on the 17th of June. After the occupation of Reading, the troops of Essex were distributed in cantonments about Thame and Wycombe. Rupert dashed in amongst the small towns and villages where these troops were quartered. Hampden had been visiting the scattered pickets, and urging upon Essex a greater concentration of his forces. Lord Nugent, with accurate local knowledge, has described the localities into which Rupert had made his irruption. "Hampden had obtained in early life, from the habits of the chase, a thorough knowledge of the passes of this country. It is intersected, in the upper parts, with woods and deep chalky hollows, and in the vales, with brooks and green lanes; the only clear roads along the foot of the hills, from east to west, and those not very good, being the two ancient Roman highways, called the upper and lower Ickeneld way." Hampden had expected some attack, and immediately he heard of Rupert's movement, he was in the saddle. On the morning of the 19th the prince was with a large force in Chalgrove Field, near Thame. Hampden, with a small

* "Lives," vol. iii. p. 564.

detachment, attacked the cavaliers; expecting the main body of the parliamentary army soon to come up with reinforcements. The man who had triumphed in so many civil victories fell in this skirmish. On the first charge he was shot in the shoulder. The parliamentary troops were completely routed before Essex came up. Rupert retreated across the Thames to Oxford. The news of the great leader having received a serious wound soon reached Oxford: "One of the prisoners taken in the action said, 'that he was confident Mr. Hampden was hurt, for he saw him ride off the field before the action was done, which he never used to do, with his head hanging down, and resting his hands upon the neck of his horse.'"* He was alone. The troops of Rupert were in the plain between the battle field and Thame, where the wounded man desired to go for help. A brook crossed the grounds through which he must pass. By a sudden exercise of the old spirit of the sportsman he cleared the leap, and reached Thame; there to die, after six days of agony. "O Lord, save my bleeding country," were his last words. Clarendon has done justice, though not full justice, to the character of the man with whom he was so intimately associated in the struggle against despotism. "He was of that rare affability and temper in debate, and of that seeming humility and submission of judgment, as if he brought no opinion of his own with him, but a desire of information and instruction; yet he had so subtle a way of interrogating, and, under the notion of doubts, insinuating his objections, that he infused his own opinions into those from whom he pretended to learn and receive them.**** He was indeed a very wise man, and of great parts, and possessed with the most absolute spirit of popularity, and the most absolute faculties to govern the people, of any man I ever knew. For the first year of the parliament, he seemed rather to moderate and soften the violent and distempered humours, than to inflame them.**** After he was among those members accused by the king of high treason, he was much altered; his nature and carriage seeming much fiercer than it did before.**** He was very temperate in diet, and a supreme governor over all his passions and affections, and had thereby a great power over other men's. He was of an industry and vigilance not to be tired out or wearied by the most laborious; and of parts not to be imposed upon by the most subtle or sharp; and of a personal courage equal to his best parts; so that he was an enemy not to be wished wherever he

* Clarendon, vol. iv. p. 88.

might have been made a friend; and as much to be apprehended where he was so, as any man could deserve to be. And therefore his death was no less pleasing to the party, than it was condoled in the other." *

* "Rebellion," vol. iv. p. 92.

...the queen joined her husband. Various incidents of the war. Bristol taken by assault. Proposals for peace rejected by a small majority of the Commons. Popular disturbances in London. The siege of Gloucester. Defence of Gloucester. Essex marches to its relief. The king and his army retire. The Parliamentary army march towards London. The battle of Newbury. Prowess of the Trained Bands. Death of lord Falkland. The Sortes Virgilianæ. The royal success becoming more doubtful. Negotiations for an alliance between the Scots and the Parliament. The solemn League and Covenant. Essex returns to London. Growing importance of Cromwell. Skirmish of Winceby. Death of Pym. The Covenant severely enforced. Ejected ministers.

CHAPTER XXV.

The queen joins her husband.—Various incidents of the war.—Bristol taken by assault.— Proposals for peace rejected by a small majority of the Commons.—Popular disturbances in London.—The siege of Gloucester.—Defence of Gloucester.—Essex marches to its relief.—The king and his army retire.—The Parliamentary army march towards London.—The battle of Newbury.—Prowess of the Trained Bands.—Death of lord Falkland.—The Sortes Virgilianæ.—The royal success becoming more doubtful.— Negotiations for an alliance between the Scots and the Parliament.—The solemn League and Covenant.—Essex returns to London.—Growing importance of Cromwell.—Skirmish of Winceby.—Death of Pym.—The Covenant severely enforced.— Ejected ministers.

FOUR months had elapsed between the landing of the queen in England and her return to her royal husband. However Charles might have been personally affected by her counsels, his best advisers, the moderate men who desired peace, were afraid of her influence, and she was suspicious of their fidelity. Her dominant idea was to restore the absolute power of the king. Her ruling passion was hatred of the Parliament. She writes to Charles, "to die of consumption of royalty is a death which I cannot endure, having found by experience the malady too insupportable."* Again, "I do not see the wisdom of these Messieurs rebels, in being able to imagine that they will make you come by force to their object, and to an accommodation; for as long as you are in the world, assuredly England can have no rest nor peace, unless you consent to it, and assuredly that cannot be unless you are restored to your just prerogatives."† She was a bold and determined woman, who aspired to direct councils and to lead armies. On the 27th of May she writes to the king from York, "I shall stay to besiege Leeds at once, although I am dying to join you; but I am so enraged to go away without having beaten these rascals, that, if you will permit me, I will do that, and then will go to join you; and if I go away I am afraid that they would not be beaten."‡ She had her favourites, especially Jermyn and Digby, whose advancement she was constantly urging. The scandalous chroniclers of the time did not hesitate in casting the most de-

* Green's "Letters," p. 117. † *Ibid.*, p. 103. ‡ *Ibid.*, p. 202.