

cleared from these disorders,—our being in sincerity of religion and once made friends with heaven; having maturity of councils, sufficiency of generals, incorruption of officers, opulency in the King, liberty in the people, repletion in treasure, plenty of provisions, reparation of ships, preservation of men,—our ancient English virtue, I say, thus rectified, will secure us; and unless there be a speedy reformation in these I know not what hopes or expectations we can have.

These are the things, sir, I shall desire to have taken into consideration; that as we are the great council of the kingdom, and have the apprehension of these dangers, we may truly represent them unto the King; which I conceive we are bound to do by a triple obligation — of duty to God, of duty to his Majesty, and of duty to our country.

And therefore I wish it may so stand with the wisdom and judgment of the House, that these things may be drawn into the body of a remonstrance, and in all humility expressed, with a prayer to his Majesty that, for the safety of himself, for the safety of the kingdom, and for the safety of religion, he will be pleased to give us time to make perfect inquisition thereof, or to take them into his own wisdom and there give them such timely reformation as the necessity and justice of the case doth import.

And thus, sir, with a large affection and loyalty to his Majesty, and with a firm duty and service to my country, I have suddenly (and it may be with some disorder) expressed the weak apprehensions I have; wherein if I have erred, I humbly crave your pardon, and so submit myself to the censure of the House.

## EARL OF STRAFFORD



THE EARL OF STRAFFORD, known in English history among the famous statesmen of the era of Charles I as SIR THOMAS WENTWORTH, was born at London, April 13, 1593, and was beheaded on Tower Hill, May 12, 1641. He was educated at Cambridge University, and after a year of travel abroad returned to England and was knighted by James I. In 1614, he entered Parliament, and for a time was a staunch supporter of the cause of liberty, and an active opponent of the ill-fated Charles I, and in the Commons was a stout assertor of its rights. On the death of the Duke of Buckingham, ambition led him, however, to desert his old party and espouse the cause of the King. Appointed viceroy of Ireland, in 1633, he established a military despotism in the island, and encouraged Charles to carry out a like obnoxious rule in England. In 1628, he had been raised to the peerage, was made a privy councillor, and in 1633 was chief adviser of the King. Seven years later, he was created Earl of Strafford and named lord-lieutenant of Ireland. He also commanded an army against the Scots, who had taken up arms against Episcopacy and invaded England. What is known as the Long Parliament was now summoned, and this memorable assembly, which was warmly supported in its acts by popular feeling, now determined to settle the question, which should govern the country—the King or the Parliament. Its first act was to impeach and bring to trial Strafford, who had returned from Ireland to aid the King with his counsel, and as we have said, to take part against the Scotch Covenanters. Strafford was declared a traitor by Parliament, though he defended himself so ably during his trial that the Commons abandoned the impeachment and passed a bill of attainder against him. The Peers were effectually overawed by the Commons, and Charles at length reluctantly giving his assent to the demand for Strafford's death, the Earl was beheaded on Tower Hill, London. On the accession of Charles II the bill of attainder was revoked and the Wentworth estates were allowed to descend to the Earl's son. Strafford's most famous speech was delivered on April 2, 1641. His "Letters and Dispatches" first appeared in 1739.

### SPEECH BEFORE THE HOUSE OF LORDS, APRIL 13, 1641

[During eighteen days Strafford stood alone against his numerous accusers, answering in succession the twenty-eight articles of the impeachment, examining the witnesses, commenting on their evidence, explaining, defending, palliating his conduct on every point with an adroitness and force, a dignity and self-possession, which awakened the admiration even of his enemies. On the last day of the trial he summed up his various defences in a speech of which the report given below is only an imperfect outline. It possesses, however, the elements of the highest class of oratory and enables the reader to form some idea of the eloquence and pathos of this extraordinary man.]

**M**Y LORDS,—This day I stand before you charged with high treason. The burden of the charge is heavy, yet far the more so because it hath borrowed the authority of the House of Commons. If they were not

interested I might expect a no less easy than I do a safe issue. But let neither my weakness plead my innocence nor their power my guilt. If your Lordships will conceive of my defences as they are in themselves, without reference to either party,—and I shall endeavor so to present them,—I hope to go hence as clearly justified by you as I now am in the testimony of a good conscience by myself.

My lords, I have all along, during this charge, watched to see that poisoned arrow of treason which some men would fain have feathered in my heart; but in truth it hath not been my quickness to discover any such evil yet within my breast, though now, perhaps, by sinister information, sticking to my clothes.

They tell me of a twofold treason, one against the statute, another by the common law; this direct, that consecutive; this individual, that accumulative; this in itself, that by way of construction.

As to this charge of treason, I must and do acknowledge that if I had the least suspicion of my own guilt I would save your lordships the pains. I would cast the first stone. I would pass the first sentence of condemnation against myself. And whether it be so or not, I now refer to your lordships' judgment and deliberation. You, and you only, under the care and protection of my gracious master, are my judges. Under favor, none of the Commons are my peers, nor can they be my judges. I shall ever celebrate the providence and wisdom of your noble ancestors, who have put the keys of life and death, so far as concerns you and your posterity, into your own hands. None but your own selves, my lords, know the rate of your noble blood: none but yourselves must hold the balance in disposing of the same.

I shall now proceed in repeating my defences as they are reducible to the two main points of treason. And,

I. For treason against the statute, which is the only treason in effect, there is nothing alleged for that but the fifteenth, twenty-second, and twenty-seventh articles.

[Here the Earl brought forward the replies which he had previously made to these articles, which contained all the charges of individual acts of treason. The fifteenth article affirmed that he had "inverted the ordinary course of justice in Ireland, and given immediate sentence upon the lands and goods of the King's subjects, under pretence of disobedience; had used a military way for redressing the contempt, and laid soldiers upon the lands and goods of the King's subjects, to their utter ruin." There was a deficiency of proofs as to the facts alleged. The Earl declared that "the customs of England differed exceedingly from those of Ireland; and therefore, though *cessing* of men might seem strange here, it was not so there;" and that "nothing was more common there than for the governors to appoint soldiers to put all manner of sentences into execution," as he proved by the testimony of Lord Dillon, Sir Adam Loftus, and Sir Arthur Teringham.

[The twenty-seventh article charged him with having, as lieutenant-general, charged on the county of York eightpence a day for supporting the train-bands of said county during one month, when called out; and having issued his warrants without legal authority for the collection of the same. The Earl replied that "this money was freely and voluntarily offered by them of Yorkshire, in a petition; and that he had done nothing but on the petition of the county, the King's special command, and the connivance, at least, of the Great Council, and upon a present necessity for the defence and safety of the county, when about to be invaded from Scotland."

[The twenty-second and twenty-third articles were the most pressing. Under these he was charged with saying in the Privy Council that "the Parliament had forsaken the King; that the King ought not to suffer himself to be over-

mastered by the stubbornness of the people; and that, if his Majesty pleased to employ forces, he had some in Ireland that might serve to reduce this kingdom," thus counselling to his Majesty to put down Parliament and subvert the fundamental laws of the kingdom by force and arms. To this the Earl replied: (1) That there was only one witness adduced to prove these words, namely, Sir Henry Vane, secretary to the Council, but that two or more witnesses are necessary by statute to prove a charge of treason; (2) that the others who were present, namely, the Duke of Northumberland, the Marquis of Hamilton, Lord Cottington, and Sir Thomas Lucas, did not, as they deposed under oath, remember these words; (3) that Sir Henry Vane had given his testimony as if he was in doubt on the subject, saying "as I do remember," and "such or such like words," which admitted the words might be "that kingdom," meaning Scotland.]

II. As to the other kind, namely, constructive treason, or treason by way of accumulation: to make this out, many articles have been brought against me, as if in a heap of mere felonies or misdemeanors (for they reach no higher) there could lurk some prolific seed to produce what is treasonable! But, my lords, when a thousand misdemeanors will not make one felony, shall twenty-eight misdemeanors be heightened into treason?

I pass, however, to consider these charges, which affirm that I have designed the overthrow both of religion and of the state.

1. The first charge seemeth to be used rather to make me odious than guilty; for there is not the least proof alleged — nor could there be any — concerning my confederacy with the popish faction. Never was a servant in authority under my lord and master more hated and maligned by these men than myself, and that for an impartial and strict execution of the laws against them; for observe, my lords, that the greater number of the witnesses against

me, whether from Ireland or from Yorkshire, were of that religion. But for my own resolution I thank God I am ready every hour of the day to seal my dissatisfaction to the Church of Rome with my dearest blood.

Give me leave, my lords, here to pour forth the grief of my soul before you. These proceedings against me seem to be exceeding rigorous, and to have more of prejudice than equity — that upon a supposed charge of hypocrisy or errors in religion I should be made so odious to three kingdoms. A great many thousand eyes have seen my accusations whose ears will never hear that when it came to the upshot those very things were not alleged against me! Is this fair dealing among Christians? But I have lost nothing by that. Popular applause was ever nothing in my conceit. The uprightness and integrity of a good conscience ever was, and ever shall be, my continual feast; and if I can be justified in your lordships' judgments from this great imputation — as I hope I am, seeing these gentlemen have thrown down the bucklers — I shall account myself justified by the whole kingdom, because absolved by you, who are the better part, the very soul and life of the kingdom.

2. As for my designs against the State, I dare plead as much innocency as in the matter of religion. I have ever admired the wisdom of our ancestors, who have so fixed the pillars of this monarchy that each of them keeps a due proportion and measure with the others; have so admirably bound together the nerves and sinews of the State, that the straining of any one may bring danger and sorrow to the whole economy. The prerogative of the Crown and the propriety of the subject have such natural relations that this takes nourishment from that, and that foundation and nourishment from this. And so, as in the lute, if any one string be

wound up too high or too low, you have lost the whole harmony; so here the excess of prerogative is oppression, of pretended liberty in the subject is disorder and anarchy. The prerogative must be used as God doth his omnipotence, upon extraordinary occasions; the laws must have place at all other times. As there must be prerogative because there must be extraordinary occasions, so the propriety of the subject is ever to be maintained if it go in equal pace with the other. They are fellows and companions that are, and ever must be, inseparable in a well-ordered kingdom; and no way is so fitting, so natural to nourish and entertain both, as the frequent use of Parliaments, by which a commerce and acquaintance is kept up between the King and his subjects.

These thoughts have gone along with me these fourteen years of my public employments, and shall, God willing, go with me to the grave! God, his Majesty, and my own conscience, yea, and all of those who have been most accessary to my inward thoughts, can bear me witness that I ever did inculcate this, that the happiness of a kingdom doth consist in a just poise of the King's prerogative and the subject's liberty, and that things could never go well till these went hand in hand together. I thank God for it, by my master's favor and the providence of my ancestors, I have an estate which so interests me in the commonwealth that I have no great mind to be a slave but a subject. Nor could I wish the cards to be shuffled over again, in hopes to fall upon a better set; nor did I ever nourish such base and mercenary thoughts as to become a pander to the tyranny and ambition of the greatest man living. No! I have, and ever shall, aim at a fair but bounded liberty; remembering always that I am a freeman, yet a subject; that I have rights, but under a monarch. It hath been my misfortune, now when I am gray-

headed, to be charged by the mistakers of the times, who are so highly bent that all appears to them to be in the extreme for monarchy which is not for themselves. Hence it is that designs, words, yea, intentions, are brought out as demonstrations of my misdemeanors. Such a multiplying-glass is a prejudicate opinion!

The articles against me refer to expressions and actions,—my expressions either in Ireland or in England, my actions either before or after these late stirs.

1. Some of the expressions referred to were uttered in private, and I do protest against their being drawn to my injury in this place. If, my lords, words spoken to friends in familiar discourse; spoken at one's table; spoken in one's chamber; spoken in one's sick-bed; spoken, perhaps, to gain better reason, to gain one's self more clear light and judgment by reasoning,—if these things shall be brought against a man as treason, this (under favor) takes away the comfort of all human society. By this means we shall be debarred from speaking—the principal joy and comfort of life—with wise and good men, to become wiser and better ourselves. If these things be strained to take away life, and honor, and all that is desirable, this will be a silent world! A city will become a hermitage, and sheep will be found among a crowd and press of people! No man will dare to impart his solitary thoughts or opinions to his friend and neighbor!

Other expressions have been urged against me, which were used in giving counsel to the King. My lords, these words were not wantonly or unnecessarily spoken, or whispered in a corner; they were spoken in full council, when, by the duty of my oath, I was obliged to speak according to my heart and conscience in all things concerning the King's service. If I

had forborne to speak what I conceived to be for the benefit of the King and the people, I had been perjured toward Almighty God. And for delivering my mind openly and freely, shall I be in danger of my life as a traitor? If that necessity be put upon me, I thank God, by his blessing, I have learned not to stand in fear of him who can only kill the body. If the question be whether I must be traitor to man or perjured to God, I will be faithful to my Creator. And whatsoever shall befall me from popular rage or my own weakness, I must leave it to that Almighty Being and to the justice and honor of my judges.

My lords, I conjure you not to make yourselves so unhappy as to disable your lordships and your children from undertaking the great charge and trust of this commonwealth. You inherit that trust from your fathers. You are born to great thoughts. You are nursed for the weighty employments of the kingdom. But if it be once admitted that a counsellor, for delivering his opinion with others at the council board, *candidè et castè*, with candor and purity of motive, under an oath of secrecy and faithfulness, shall be brought into question, upon some misapprehension or ignorance of law,—if every word that he shall speak from sincere and noble intentions shall be drawn against him for the attainting of him, his children and posterity,—I know not (under favor I speak it) any wise or noble person of fortune who will, upon such perilous and unsafe terms, adventure to be counsellor to the King. Therefore I beseech your lordships so to look on me that my misfortune may not bring an inconvenience to yourselves. And though my words were not so advised and discreet, or so well weighed as they ought to have been, yet I trust your lordships are too honorable and just to lay them to my charge as high treason.

Opinions may make a heretic, but that they make a traitor I have never heard till now.

2. I am come next to speak of the actions which have been charged upon me.

[Here the Earl went through with the various overt acts alleged, and repeated the sum and heads of what had been spoken by him before. In respect to the twenty-eighth article, which charged him with "a malicious design to engage the kingdoms of England and Scotland in a national and bloody war," but which the managers had not urged in the trial, he added more at large, as follows:]

If that one article had been proved against me, it contained more weighty matter than all the charges besides. It would not only have been treason, but villainy, to have betrayed the trust of his Majesty's army. But as the managers have been sparing, by reason of the times, as to insisting on that article, I have resolved to keep the same method, and not utter the least expression which might disturb the happy agreement intended between the two kingdoms. I only admire how I, being an incendiary against the Scots in the twenty-third article, am become a confederate with them in the twenty-eighth article! how I could be charged for betraying Newcastle, and also for fighting with the Scots at Newburne, since fighting against them was no possible means of betraying the town into their hands, but rather to hinder their passage thither! I never advised war any further than, in my poor judgment, it concerned the very life of the King's authority and the safety and honor of his kingdom. Nor did I ever see that any advantage could be made by a war in Scotland, where nothing could be gained but hard blows. For my part, I honor that nation, but I wish they may ever be under their own climate. I

have no desire that they should be too well acquainted with the better soil of England.

My lords, you see what has been alleged for this constructive, or, rather, destructive treason. For my part, I have not the judgment to conceive that such treason is agreeable to the fundamental grounds either of reason or of law. Not of reason, for how can that be treason in the lump or mass which is not so in any of its parts? or how can that make a thing treasonable which is not so in itself? Not of law, since neither statute, common law, nor practice hath from the beginning of the government ever mentioned such a thing.

It is hard, my lords, to be questioned upon a law which cannot be shown! Where hath this fire lain hid for so many hundred years, without smoke to discover it, till it thus bursts forth to consume me and my children? My lords, do we not live under laws? and must we be punished by laws before they are made? Far better were it to live by no laws at all, but to be governed by those characters of virtue and discretion which nature hath stamped upon us, than to put this necessity of divination upon a man, and to accuse him of a breach of law before it is a law at all! If a waterman upon the Thames split his boat by grating upon an anchor, and the same have no buoy appended to it, the owner of the anchor is to pay the loss; but if a buoy be set there, every man passeth upon his own peril. Now where is the mark, where is the token set upon the 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, such constructive interpretations of law. If there must be a trial of wits, let the subject-matter be something else than the lives and honor of peers! It will be wisdom

for yourselves and your posterity to cast into the fire these bloody and mysterious volumes of constructive and arbitrary treason, as the primitive Christians did their books of curious arts; and betake yourselves to the plain letter of the law and statute, which telleth what is and what is not treason, without being ambitious to be more learned in the art of killing than our forefathers. These gentlemen tell us that they speak in defence of the commonwealth against my arbitrary laws. Give me leave to say it, I speak in defence of the commonwealth against their arbitrary treason!

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 destruction, by taking up a few musty records that have lain by the walls for so many ages, forgotten or neglected.

My lords, what is my present misfortune may be forever yours! It is not the smallest part of my grief that not the crime of treason, but my other sins, which are exceeding many, have brought me to this bar; and, except your lordships' wisdom provide against it, the shedding of my blood may make way for the tracing out of yours. You, your estates, your posterity, lie at the stake!

For my poor self, if it were not for your lordships' interest, and the interest of a saint in heaven who hath left me here two pledges on earth [at this his breath stopped, and he shed tears abundantly in mentioning his wife], I should never take the pains to keep up this ruinous cottage of mine. It is loaded with such infirmities that in truth I have no great pleasure to carry it about with me any longer. Nor could I ever leave it at a fitter time than this, when I hope that the better part of the world would perhaps think that by my misfortunes I had given a testimony of my integrity to

my God, my King, and my country. I thank God I count not the afflictions of the present life to be compared to that glory which is to be revealed in the time to come!

My lords! my lords! my lords! something more I had intended to say, but my voice and my spirit fail me. Only I do in all humility and submission cast myself down at your lordships' feet and desire that I may be a beacon to keep you from shipwreck. Do not put such rocks in your own way, which no prudence, no circumspection can eschew or satisfy, but by your utter ruin!

And so, my lords, even so, with all tranquillity of mind, I submit myself to your decision. And whether your judgment in my case — I wish it were not the case of you all — be for life or for death, it shall be righteous in my eyes and shall be received with a *Te Deum laudamus*, — we give God the praise.