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SUMMARY

THE MORAL CASE AGAINST CHARLES : REPUBLICAN AND REGICIDAL

THOUGHT 1647-1651

SARAH BARBER

This thesis is divided into two sections: section one is a philosophical examination of the arguments used against Charles Stuart and kingship. It examines ideas, drawn from a large body of pamphlet material, letters and manuscripts, and concludes that the case against Charles was not really a case in law, but a moral attack.

Chapter one analyses the view that Charles was a tyrant, particularly the view that his descent from William I made him part of a Norman tyranny of conquest. This is extended in chapter two to show how the particular tyranny of Charles Stuart was likened to the slavery of the Israelites.

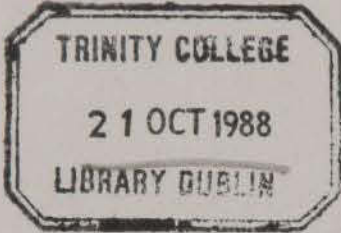
Whilst the Old Testament critique was only applicable to Charles' reign, there was also a more wide-ranging critique based around the concepts of vice and virtue, in which all mankind was shown to bear the guilt for the Fall of man, but that kings were particularly prone to the sin of pride. Chapters 2 and 3 set up a contradiction, in which kings are damned for having too much power, but also damned for having so little power that they are irrelevant.

Chapter four sets up a situation in which a distinction can be drawn between "regicides", mainly in the Army who believed that only Charles was responsible for the war, and "republicans", who put the blame for what they perceived as their oppression on the whole dynasty of kings.

The second section, chapters five to eight, looks at the practical applications of the ideas rehearsed in chapters one to four. Chapter five analyses the growth of the republican organisation in the Army and Parliament, and their struggle to win over the regicides in the army, and this is followed by an analysis of the meaning of republicanism as it was demonstrated in the government's legislation.

Chapter seven looks at a group who generally supported the Army and the radicals but who turned against them in 1649 because they believed they had failed to apply the values they held in common, particularly regarding the execution of Charles.

Finally, all of the themes dealt with in the previous chapters are examined with reference to the 'Engagement' of loyalty to the Commonwealth, and the difficulties involved in implementing it.



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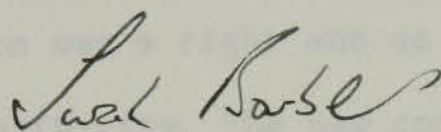
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DUBLIN

Submitted for the degree of Doctor of Philosophy
Department of History
Trinity College, University of Dublin
September 1988

ACKNOWLEDGMENTS

It is customary to pay a debt of gratitude to those scholars whose knowledge and interest have contributed to the development of the argument presented here. This I do willingly.

I hereby declare that this work has not been submitted for a degree at any other University, that it is entirely my own work, and that the Library of Trinity College, Dublin, may lend a copy of this thesis on request to the Library.



Sarah Barber

ACKNOWLEDGEMENTS

It is customary to pay a debt of gratitude to those scholars whose knowledge and interest have contributed to the development of the argument presented here. This I do willingly.

However, the days in which the great scholars of the past, and indeed, the recent past, were allowed to engage in unfettered, free-ranging, and pure research, have ended, and the current generation of scholarship is muddied by the constant search for funding. The old consensus maintained that education was a right and as such should be paid for by a public authority. The new consensus asks us to show that education is not a privilege, by denying us a grant which they claimed was bestowed by the grace of the state, like an honour to set the graduate apart from the ordinary mortal.

As such, this thesis owes as much to intellectuals fulfilling an administrative role, as it does to them as academics. All of the people here rejected the argument that lack of funding carried with it an academic value-judgement. I am grateful for their moral support, and I respect their willingness to follow me in an odyssey of making precedents, overturning traditions and reinterpreting rules, necessary to see this thesis produced. They gave of their time, their

energy, their resources, their love, and their support, to give me the right to the education I desired - more than I had a right to expect.

To Dr. John Morrill, my thanks are due for expending boundless energy as a surrogate supervisor in Cambridge for many years, for no reward, for his faith in the finished product, and his welcome in a hostile environment.

Professor Paul Dowding, former Dean of Graduate Studies at Trinity College, Dublin, is to be applauded for his liberal interpretation of College statutes, a tradition continued by his successor, Prof. J. F. Andrews.

I owe an enormous debt to my mother and father who constantly reminded me of the worth of my ambition, provided a safe haven from the strains of low-income living, and gave freely of all the resources they had, in order to support a dream which they could only share from the side-lines.

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suffice - thank-you.

There were four major arguments against Charles and
against monarchy: that monarchs used conquest to tyrannise a
subject people; that they abused their high degree of personal
power and trust in a manner which was reminiscent, to our
Moral soldiers in particular, of Old Testament tyrants; that
kings intrinsically possessed a greater susceptibility to the
temptations of office, which encouraged corruption; and that
supporters of monarchy had persuaded the public that the rules
which governed ordinary men were not applicable to the office
of king. These arguments can be summed up as a moral attack on
kings and kingship, which contrasted with the legal case which
the confines of Common Law dictated the prosecution went on
against Charles. These arguments are shown to be both self-
contradictory and to possess tensions between them.

SYNOPSIS

This thesis is divided into two sections which are both distinct and complementary. Section one is more abstract, necessitated, in part, by the large body of anonymous material published during the period. It seeks to distill from pamphlets, letters, and manuscripts, the ideas which generated both the personal attack on Charles Stuart, and the more wide-reaching abandonment of monarchy as an institution. This section studies a body of ideas, rather than the personal thoughts of individuals.

There were four major arguments against Charles and against monarchy: that monarchs used conquest to tyrannise a subject people; that they abused their high degree of personal power and trust in a manner which was reminiscent, to New Model soldiers in particular, of Old Testament tyrants; that kings intrinsically possessed a greater susceptibility to the temptations of office, which encouraged corruption; and that supporters of monarchy had persuaded the public that the rules which governed ordinary men were not applicable to the office of king. These arguments can be summed up as a moral attack on kings and kingship, which contrasted with the legal case which the confines of Common Law dictated the prosecution must use against Charles. These arguments are shown to be both self-contradictory and to possess tensions between them.

These divisions between the arguments highlight a distinction between the characters who formed the parliamentary and military prosecution of Charles. There were those who laid the entire guilt for the war on Charles Stuart, the individual culpability of an evil man. Others blamed the stresses and temptations of office, believing it was evil and dangerous to invest one man with so much power. The former are termed "regicides", because the logical conclusion of the war, was, for them, the way to be rid of Charles Stuart. The latter are termed "republicans" because their critique had far wider ramifications for kingship as an office, and did not lay all of the blame on the head of Charles.

Section two is narrative and political history. It applies the conclusions of section one to the practical political situation between 1647 and 1651. It looks at the emergence of a radical, "republican" clique in Army and Parliament, their struggle to win over the "regicides" in the Army, and the application - or failure to do so - of their ideas from December 1648. Chapter seven looks at those who shared the republicans' prescription of the ills of the nation but were seriously disappointed in the ungodliness of the Rump regime. The final chapter examines the 'Engagement' of loyalty to the republican government, and uses it as a practical demonstration of the points highlighted throughout the work.

INTRODUCTION

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INTRODUCTION

This thesis is about the ideas which shaped the concerted attack on Charles Stuart in 1648, the development of republican thinking, and the ways in which the republican group in the Commons and the Army both succeeded and failed to translate those ideas into specific, political policies in the early 1650s. As such, the ideas presented here display all the confused and contradictory characteristics of confusing and contradictory times. The accolade of 'father of British philosophy' was accorded to Thomas Hobbes because his thought was rigorous and could be lifted from its contemporary background and analysed in isolation. That could not be said of the thinkers examined here. Most were propagandists, selling unpopular ideas to an unreceptive audience. Their weapons were catch-all arguments, not a single, rational, irrefutable case. Individuals used self-contradictory statements within the same body of writing, or changed their allegiance and their stance to suit the prevailing wind. This tends to hamper the task of attributing labels: a label implies a certain consistency. Is it possible to say that Marchamont Nedham was a republican in 1650, when he published *The Case of the Commonwealth of England Stated?*¹ Did he cease being a republican when he wrote in favour of the succeeding Cromwellian regime? This thesis argues that it is not possible

1. Marchamont Nedham, The Case of the Commonwealth of England Stated, London n.d. Th.8 May, 1650, E600(7)

to say that, but that it is possible to say that the tract of 1650 expressed republican thought. Nedham was an extreme case, but is far from an isolated example of an individual whose ideas appeared to change to suit the latest regime. Indeed, pragmatism was erected into a political philosophy in its own right by the application of biblical injunctions to obey all civil powers, however transitory.

It is therefore necessary to examine the ideas before the applications. Writings in the 1640s could express temporary support for a faction, self-contradictory ideas for the purposes of persuasion, or were frequently anonymous. It is an unfashionable notion in historical research, that ideas can be separated from the individuals who held them, but the nature of much of the Civil War material makes this approach inevitable. The thesis is therefore divided into two, complementary sections. Section one examines the theoretical ideas which led to the trial and execution of the King, and the establishment of a republican government. It argues that the case made against Charles in Westminster Hall was necessarily weak because it attempted to use legal terminology and practice to prosecute Charles at law, when the ideas which the prosecution held were based on interpretations of the Scriptures which were inadequately represented in statute. They attempted to make the case that Charles was a bad man, and consequently a bad king, though the limit of their legal

expression was that he had acted against the written law of the land.

Chapters two and three analyse the nature of that moral case both against Charles and against monarchy in general, and conclude that the two attacks stemmed from different premises. Both premises were biblical. However, the line of attack which concentrated solely on Charles Stuart and his individual culpability for the war, grew from a series of parallels between the contemporary situation and the Old Testament. The Saints in England in the 1640s were certainly not the only group with a feeling of seige and oppression by an alien force, which turned to the stories of the captivity of the Israelites for the solace to endure and the motivation to resist. By way of a few, highly selective examples, such ideas were revived during the French revolution, even by republicans in England; they illustrated the struggles of the Italian partisans against the Austro-Hungarian empire and fuelled the passion of the campaigns for black rights in the America of the 1960s. In the hands of the New Model Army soldiers, they were crudely expressed and vitriolically applied.

Rather more subtle and sophisticated were the ideas which led to a condemnation of all kingship and not solely Charles' stewardship. These, too, were based on biblical precedents, but rather than being direct parallels and comparisons, they were a moral abstraction from the biblical strictures of the

Old Testament, and drew conclusions about the nature of goodness and godliness. They rejected the theory which had been outlined by thinkers such as Machiavelli², which held that a distinction could be drawn between the virtues which produced a good man, and those which produced a good ruler.

The fact that these theories could be selectively used to show that Charles had been neither a good man, nor a good ruler, enabled these two strands of thought to be jointly applied to the problem facing the victorious factions in 1648. How did they secure the kind of constitutional change which would protect those institutions which they valued, from the encroachments of the monarch? Theory one, argued that the only way to cleanse the nation of the influence of a tyrannous king was to have him tried and executed. A new, godly ruler could then take his place and fulfil the role which was expected of a king - guarding the rights of the people, the law, and the institutions of state. Within a traditional framework of English historical precedent, this meant a return to kingship. The factions which argued this course are termed 'regicides', redefining the customary usage in order to denote those who held a particular political view, rather than merely those who put their name to the death warrant of Charles I. Argument two, led to a more sweeping conclusion. If the whole ethos

2. Niccolo Machiavelli, The Discourses edited Bernard Crick, (London 1983), Felix Raab, The English Face of Machiavelli: A Changing Interpretation, 1500-1700, (London 1964)

behind the nature of magistracy militated against godly virtues, then the more power which was concentrated in the hands of a single individual, the greater the likelihood of abuse and the more damaging that abuse would be. As Lord Acton would have put it, "power tends to corrupt, and absolute power corrupts absolutely".³ This led the holders of this idea to a republican conclusion. The wider executive power was spread, the less likely would be its abuse.

The difference between these two strands of thought was evidenced in the distinction made between the person who held the office and the official functions of that office. It was not the same argument to attack the personal conduct of Charles Stuart and to attack the effects of centralising power in the hands of a single individual, who happened to be Charles Stuart. The first case was a personalised attack: the second, more abstract. Nevertheless, those who believed either, or both, arguments had no alternative but to work within a republican framework in 1649. As such, the tensions between regicides and republicans lay beneath the surface of the new government, eating away at its ability to reach a coherent form of administration, or to implement all of the reforms which republicans had in mind. Chapters five and six look at the establishment of a republican core of activists, in the years 1647 to 1649, and try to abstract from their

3. Lord Acton in a letter to Mandell Creighton, 5 April, 1887.

writings and political position, the way in which they saw their ideas taking concrete, constitutional form. Chapter seven looks at what was, in fact, a republican idea, pushed to its logical extreme, but which led its adherents into opposition to the republican government. If magistracy was ungodly, it was necessary to sweep away magistracy in order to usher in the reign of Christ. This did not just mean kings.

Chapter eight acts as both an illustration of the ideas presented throughout the thesis, and as a demonstration of the way in which they acted together. There were any number of aspects of Commonwealth government which illustrated the points made here. The most obviously striking is the series of 'moral' legislation which was introduced in an attempt to end drunkenness, swearing and profanity. It was legislation for godliness which those who feature in chapter seven claimed could only come about through an internal searching of the heart. However, the example chosen here is that of the oath of loyalty, or the 'Engagement' which the new government attempted, eventually, to impose on every citizen over the age of eighteen. The reasons behind it, and their failure to impose it are illustrative of the nature of the ideas of the republicans and of the problems involved in putting their ideas into action.

SECTION ONE

CHAPTER 1: "Conquest and legitimacy in the case against Charles I".

The trial of Charles I began on a Saturday; 20 January, 1649. On that day, the government which had come into being by the coup of 6 December, 1648, displayed its power, prestige, and legitimacy through a series of ceremonies taken from the rule of kings. The court was guarded by soldiers who carried with them the symbols of Rump authority: the sword of the Army and the mace of Parliament. Westminster Hall, which served as a court-room was decked in swathes of crimson and scarlet.

At this rather superficial level, the similarities between the courts under the governance of kings and those under the Rump, ended. On January 4th, the Commons, without the Lords' concurrence, had published a declaration, stating that the Commons was the sole legislative and executive body, which derived its legitimacy from the election of the people and the providence of God. Law no longer required the assent of either the House of Lords, or the King himself. All of the actions which led to Charles' eventual execution were precedents. This was the first time in English history that a reigning monarch had been put on trial. It was the

1, CJ vi p. 112

by an 'Act'² of the newly sovereign House, on January 6. It was presided over by a 'Lord President' and the judges numbered anything between the Lord President acting alone, or the 135 'Commissioners' named on January 6.³ The numbers of judges sitting fluctuated from session to session. The lawyer in charge of the prosecution, John Cooke from Leicestershire⁴, made only one contribution to the public sessions of the trial, for Charles refused to acknowledge the unprecedented nature of the court. Charles' silence was taken as proof of his guilt, and no evidence was produced in open court. There was no jury. The Commissioners of the High Court acted as both judge and jury. All of these actions were sanctioned by the vote of January 4. The Court was legitimate, in the eyes of the prosecution, because it had been established by an Act of the House of Commons which, provided one overlooked the small number of MPs who were still sitting after Pride's Purge, was representative of the free people of England.

2. The declaration of January 4, provided its premises were accepted, allowed the legitimacy of an Act to an ordinance which was issued from the Commons alone, because the Commons was the supreme and sufficient authority.

3. They are named in the *Journal of the High Court of Justice*, reprinted in Howell, T.B., A Complete Collection of State Trials and Proceedings for High Treason, (later Cobbett's Complete Collection), 33 vols, 1809-26, vol. iv, The Trial of Charles I, columns 989-1154. Henceforth, Howell, State Trials iv, 1050-1052. Samuel Gardiner, in his Constitutional Documents of the Puritan Revolution, 1625-1660 pp. 357-8 gives the start of a list which includes the leading members of the House of Lords. None of them agreed to sit, and with the decision to act without the Lords' consent, these names were presumably withdrawn. Gardiner is cited from the third edition, Oxford 1906.

4. For details of Cooke's career as a lawyer, see Wilfred Prest, The Inns of Court under Elizabeth I and the Early Stuarts 1590-1640, (Harlow 1972)

There is much written evidence which gives a flavour of events between the declaration of the sovereignty of the Commons, on January 4, and the execution of the King of England outside the Banqueting Hall, Whitehall, on January 30. The main body of this material is reproduced in the multi-volume series of State Trials which printed three accounts of the trial. The first bore the imprimatur of the state licenser, Gilbert Mabbott, and the title, *A Perfect Narrative of the Whole Proceedings of the High Court of Justice*, "published by Authority, to prevent false and impertinent Relations". Another account was made by the clerk of the court, published as, *The Journal of the High-Court of Justice*. Included with these contemporary accounts of the trial itself, was a reprint of a pamphlet, written by Chief prosecutor, Cooke, which he claimed was the speech he had intended to make in Court, had Charles answered the charge, entitled, *King Charls His Case*.

In addition to these three accounts, there are three constitutional statements which are revealing of the political events surrounding the trial and execution of the King. These are the Act setting up the High Court of Justice, which passed the House of Commons on January 6; the charge against the King, first read on January 20; and the sentence, read seven days later.⁵ These provide a

5. Gardiner, *Constitutional Documents*, nos. 80, 82, and 84.

starting point, from which the ideas and arguments which lead up to the trial of the King, can be analysed. Taken together, they rehearse all of the arguments which were brought against Charles in the last years of the fighting. However, they also reveal the weaknesses and tensions which lay within those arguments, and which dogged the Commonwealth government throughout its period in office.

Of the three, the charge issued on January 20, and the sentence, read one week later, were the most consciously legalistic. The reason for this was simple. Whatever the motives of the prosecution may really have been, they had still to prove a case at law. The case they chose to prosecute was that Charles had committed treason against the supreme power in the land, that is, the people and their representatives in Parliament, as demonstrated by the declaration of January 4. More specifically, Charles had declared war against the Parliament, and had been present at, and responsible for, the deaths of thousands of his subjects whom he had sworn to protect. Evidence was taken from witnesses, who claimed to have seen Charles in command of his armies at the great battles of the Civil War.⁶ This evidence was never produced in open court. When the charge was read, the majority of it was taken up with

6. Ibid. iv 1100-1113

listing the occasions on which Charles had levied war on his people, the foreign powers on whom he had called for help, and the commissions he had issued to others to prosecute his war. To demonstrate that he still constituted a threat to the safety of the people, the Court declared:

And for further prosecution of his said evil designs, he, the said Charles Stuart, doth still continue his commissions to the said Prince(Charles), and other rebels and revolvers, both English and foreigners, and to the Earl of Ormond, and the Irish rebels and revolvers associated with him; from whom further invasions upon this land are threatened, upon the procurement, and on behalf of the said Charles Stuart.⁷

The sentence did not repeat the list of battles, but contented itself with the phrase, "the circumstances of time and place is in the charge more particularly set forth".⁸ It alluded to the fact that statements had been taken from witnesses, and that every chance had been given to the prisoner to state his case, but that he had refused to do so. The Commissioners of the High Court were "fully satisfied in their judgments and consciences" of Charles' guilt and ordered that the King be "put to death by the severing of his head from his body".⁹

7. Gardiner, Constitutional Documents, p.373

8. Ibid. p.377

9. Ibid. p.380

However, despite the need to make a legalistic case, dotted throughout both the charge and the sentence were phrases which alluded to the moral case the prosecution were making. Charles had a "wicked design" to subvert the constitution.

His levying war was not only "traitorous", but also "malicious". By his "cruel and unnatural war", he had caused, "much innocent blood of the free people of this nation" to be spilt.

All which wicked designs, wars, and evil practices of him...[the charge concluded], are carried on for the advancement and upholding of a personal interest of will, power, and pretended prerogative...against the public interest, common right, liberty, justice, and peace of the people of this nation, by and from whom he was entrusted as aforesaid.¹⁰

In comparison, the 'Ordinance' or Act which set up the High Court of Justice on January 6 was far more savage in its terms. Since it did not relate specifically to the charge itself, but to the court which would be established to judge the charge, it could afford to be less legalistic, and therefore revealed more of the bitterness, and more of the moral crusade against Charles which motivated many of those who were named as Commissioners. The Act also talked about Charles' "wicked design" and concluded that, "besides all other evil ways and means to bring his design to pass, he

10. Ibid, pp.373-4

hath prosecuted it with fire and sword". Furthermore, the Parliament claimed to have had grounds long before the point which they had then reached,

[but did] forbear to proceed judicially against him, but found, by sad experience, that such remissness served only to encourage him and his accomplices in the continuance of their evil practices...'¹¹

Charles had 'contrived' to 'enslave and destroy' the English people.

In making their case that Charles was an evil man, and consequently a bad king, the prosecution, and their supporting pamphleteers therefore concentrated on Charles' nature. His breaches of the law were a consequence of his nature, and his nature was the flaw which drove him to abuse his office. For example, an anonymous author repeated the 'crimes' of Star Chamber, the failure to call Parliament, Ship Money, and the promotion of episcopacy, but concluded that in times of peace, "he was the most Covetous P. that ever raignd in England", and that in war, "he mustered together many deboysed(sic) persons, and Cavaliers, with promise of great preferments, and moneys".¹² Though the examples of autocratic government which the author cited may

11. Ibid. p.357

12. A True Narration of the Title, Government, and Cause of the Death of the late Charles Stuart King of England, Published by Authority, Th.5 Feb., 1648(9), pp.2+6.

have been considered breaches of the law, the overall impression which was given by these measures was that it was Charles' character which was tyrannous.

There was an obvious area of tension between the ideas outlined here between the unprecedented nature of the Court and its actions, and the desire to dispense justice in a traditional way. There was a need to emphasise tradition in order to show that Charles was being tried by a Court operating under ancient Common Law. Though many of the actions of the Court were a precedent in themselves, the managers of the trial felt the need to ensure as much continuity with England's traditional system of law as possible. They had maintained throughout the war that they had been fighting to uphold the Common Law against the arbitrary, and therefore illegal, actions of the King and his servants. The Common Law was expressed in terms of 'the natural law', or the 'fundamental constitution'. It was held to be part of England's heritage, established before the Norman Conquest. It was immutable and untarnished by the encroachments, excesses, and usurpations of the Norman monarchs.

This body of immutable law is described in J. G. A. Pocock's, The Ancient Constitution and the Feudal Law, first published in 1957¹³. Though Pocock's argument has since been challenged, most notably by Johann Somerville¹⁴, his basic distinction between the ancient constitution of pre-Norman times, and the feudal law which was established by the precedent of conquest, is a valid one. It was a particularly important distinction in the mid-seventeenth century, since the belief that the conquest of William of Normandy was illegal, presupposed that all his descendents held their throne by usurpation, including Charles. Not only that, but all the legislation which had been enacted in the King's name, since 1066, was shown to have been established on an illegal foundation.

Charles himself was well aware of the unprecedented nature of the court which was to try him. This fact gave him a propaganda edge over his prosecutors, who claimed the continuity of law, but nevertheless created novel forms through which to pursue their legal case. Charles appealed over the heads of the prosecution themselves, to the wider public, and made his trial the stage for the recovery of his reputation. When the Lord President of the High Court, John Bradshaw, challenged him to answer in the name of the people

13. J. G. A. Pocock, The Ancient Constitution and the Feudal Law, (Camb, 1957)

14. Johann Somerville, "History and Theory: The Norman Conquest in Early Stuart Political Thought", in Political Studies xxxiv, 1986, pp. 249-261

by which he was elected, Charles replied, "England was never an elective kingdom, but an hereditary kingdom for near these thousand years". When challenged further, he continued,

I see no house of lords here that may constitute a parliament; and the king too should have been... Let me see a legal authority warranted by the Word of God, the Scriptures, or warranted by the Constitution of the kingdom, and I will answer.¹⁵

Bradshaw retaliated by demonstrating the supposed antiquity of the principles which the Court claimed to be upholding. "We know very well", he alleged, "the Authors and the Authorities that do tell us what the law was in that point upon the election of Kings, upon the Oath that they took unto their people."¹⁶ "Anciently", Bradshaw claimed, Parliaments were held every two years, and under legislation during the reign of Edward III, they were to be held annually. This contrasted with Charles' preroguing of the 1628 Parliament, and his failure to call another until the financial strain of the war against the Scots forced him to summon the 'Short Parliament' of 1640. There were also precedents for the deposing of kings - "there are frequent

15. Howell, State Trials iv 996

16. Ibid, iv 1010

examples of it in the Saxon's time, the time before the Conquest".¹⁷ Bradshaw also cited Edward II and Richard II as examples of post-Conquest kings who had lost their crowns.

These examples illustrate one of the common features of mid-seventeenth century propaganda, and particularly that which attacked the King in the last years of the 1640s. The prosecutors, both those who comprised the Court, and those who made up the wider circle of pamphleteers, were less concerned with marshalling arguments which were consistent within themselves, but with using a series of 'catch-all' arguments, which were frequently self-contradictory, or contradicted other arguments within the same body of writing. In the case of ancient constitutionalism and feudal law, the prosecution showed that the law which they used was immutable because it was rooted in a forgotten past, and yet those precedents which had been set within historical memory, and which tended to support the prosecution case, were also cited, and claimed as valid.

Legal theory appeared to be justified irrespective of whether it was pre-conquest, and therefore part of the 'fundamental law', or post-conquest, and therefore part of the 'feudal law', provided it served the immediate purpose of the trial. However, the attitudes of the prosecution

17. Ibid, iv 1012

towards conquest theory were important for the development of republicanism. John Cooke likened Charles to Nimrod, "the first Tyrant and Conqueror that had no Title".¹⁸ "Conquest makes a title among wolves and bears", he continued, "but not amongst men". It was the prosecution's contention that Charles inherited his title through the illegal usurpation by conquest of William I, and that the kings of England had been periodically forced to maintain that title through the use of the sword. The latest, and most heinous example of this, had been Charles' declaration of war on the people he had sworn to protect, and the Parliament he had sworn to consult.

Those who sought to attack Charles made heavy use of the theory which has become known as the 'Norman Yoke' theory, primarily for the frequent references to the "yoke of bondage" in the mid-1640s, particularly in Leveller pamphlets.¹⁹ By way of example of the genre, it is important to cite *Regall Tyranny Discovered*, published in January 1647, which Thomason believed was by Leveller propagandist, John Lilburne, and John Hare's *Plaine English to our Wilful Bearers with Normanism*, which Thomason collected on 4 November, 1647. *Regall Tyranny* claimed that,

From all which relations we may observe:
First, from how wicked, bloody, triviall,
base, and tyrannicall a Fountain our

18. Ibid. iv 1021

19. Christopher Hill, "The Norman Yoke", from, Puritanism and Revolution, (London 1958) pp.50-122

gracious Soveraignes, and most excellent Majesties of England have sprung; namely from the Spring of a Bastard, or [of] poore condition, by the Mothers side, and from the pernicious springs of Robbery, Pyracie, violence, and Murder, &c.²⁰

Hare believed, "the heyres of a Conquerour, while they retaine his right and title, though it be after a myriad of descents from him, do still retain the quality of profest forraign Enemies".²¹ Similarly, Robert Parsons, in a conference which he claimed was held early in 1648 to discuss the grounds on which Charles could be tried for "misgovernment", used the same arguments, and in the similar, catch-all way which characterised Cooke's statements a year later. Parsons claimed that the changes which the English had made to their government could only be legal if the deposition of the previous government was justified. Thus Henry VII was not a legitimate king unless Richard III had been justly deposed.²²

There were widespread uses of Norman Yoke theory after Charles' execution, in order to justify that action. The Rump had a tenuous hold on power after they had executed the

20. Regall Tyranny Discovered, Th. 6 Jan., 1646(7) E370(12), p.15. The 'Th.' refers to the date which Thomason wrote that he had received a copy of the pamphlet, and the catalogue numbers all refer to the Thomason Collection, British Library, London.

21. John Hare, Plaine English to our Wilful Bearers with Normanisme, Th. 4 Nov., 1647, E412(24), Epistle to the reader.

22. Robert Parsons, Severall Speeches delivered at a Conference concerning the Power of Parliament to Proceed against their King for Misgovernment, 31 Jan., 1647(8), Th. 3 Feb., 1647(8), E521(1), p.21. There are 9 speeches in all.

man whom many still regarded as the rightful ruler. They therefore had a propaganda need to stress the break with the bondage of the past which had been made with the death of the king. Charles was portrayed as the last, and probably most tyrannical, of an inherently tyrannical dynasty. The death of the 'last' of the Norman kings, was portrayed as an action sufficient in itself to end those burdens of which the pamphleteers complained. It emphasised both the republicans' ideal of a new state of liberty and freedom of worship which had been heralded in by the execution of the last of a family of tyrants, and deflected the criticism that the new government offered no real change. It also acted as a bulwark to the Royalists' attempts to reconquer the throne for Charles Stuart's son. The new government and their propagandists could reintroduce the idea of a continuous blood-line of tyranny. As an author who was 'supported' by Henry Parker, and who may well have been Parker himself, asked,

[Can] Charles the Second...forget Charles the First? that custom and education can easily be altered? that the true and reall engagers with him and his father shall be razed out of his heart...²³

However, conquest theory was a double edged sword for Charles' judges. Though Cooke decried Charles' legitimacy

23. (Henry Parker?), "The True Portraiture of the Kings of England", in Somers Tracts 1809-15, vol.vi, p.102. Parker put his name to the epistle, but claimed not to know the name of the 'anonymous' author.

because he claimed descent from a conqueror, and maintained his usurpation by the sword, this argument was being undermined by his supposed allies. Others were pointing out that the victory of the New Model Army over Charles and his forces, was, in itself, a conquest. As Henry Marten maintained during the peace negotiations after the first Civil War, "there is another and more naturall way to peace and to the ending of warre then by agreement, namely by conquest".²⁴ The regiments of Colonels Scroope and Saunders believed that if Charles had ruled by the sword then he could be deposed by the sword.²⁵ Even within the pamphlet which attacked the Norman dynasty, Henry Parker's author wrote, in August 1650, "seeing we have conquered the conqueror, and got the possession of the true English title by justice and gallentry(sic), let us not lose it again by any pretence of a particular and debauched person".²⁶

Those who opposed Charles in 1648 reconciled their attack on the Norman conquest and their own conquest of the King by citing the godliness of the conqueror. Conquest, in itself, they maintained, was not necessarily bad. It did not have to imply oppressive rule by the sword. The justification of conquest was dependent on the motives and

24. Henry Marten, The Independency of England, Th. 11 Jan., 1647(8), E422(16), p. 15

25. A Moderate and Cleer Relation of the Private Souldiery of Colonell Scroops and Col. Sanders Regiments, Th. 15 Dec., 1648, E476(25), n.p.

26. Parker? The True Portraiture, p. 103

cause of the conqueror. Therefore, the Norman Conquest was illegal because it sought to establish a foreign dynasty whose aim was to deny rights to the 'native' Saxons. The New Model's conquest of Charles, on the other hand, was justified, because it claimed to be fighting *for* the people's rights. Charles had been guilty of oppressing the people, but God had given the New Model victory over him through His providential sanction. Henry Marten illustrated this idea in his, *The Parliaments Proceedings Justified in declining a Personall Treaty*.

The power of the Sword is to the Monarch of absolute necessity for the maintenance of his tryannicall government, and that power had need to be always actuated; the same in the hands of a Parliament (or the representatives of a free Nation) is not so much the power of the Sword as of the Buckler, and will not be exercised at all, but in cases of Rebellion or Invasion...²⁷

In making this case, however, it must be admitted that these apologists for the Army were accepting that conquest and military might could be justified. This was in marked contrast to those groups such as the Levellers, who consistently attacked militarism as an arm of government. To them, might always implied oppression. Indeed, leveller-inspired tracts show that throughout the 1640s, these groups became increasingly hostile to militarism, perhaps as a reaction to their own army service and their campaign

27. Henry Marten, *The Parliaments Proceedings Justified*, Th, 7 Feb., 1647(8), p. 15

against their officers. Though the Levellers and republicans used similar arguments about the tyranny of the Norman Conquest, particularly in the mid-1640s, the republicans came to accept the justifiability of conquest, and as such, were increasingly divergent from the Levellers, especially in the 1650s, when many leveller-inspired pamphlets denied the legitimacy of England's conquest of Ireland. ²⁸

The comparison between Charles and historical English kings who owed their descent from the Norman Yoke, was not the only parallel which was used by those who attacked Charles Stuart in the late 1640s. The most important parallel was based on a comparison between the contemporary situation and that outlined in the Old Testament books of the Bible. These theories will be treated with greater depth in succeeding chapters, but it is necessary to touch on them briefly. The months between the end of the first Civil War and the execution of Charles I was a period of increasing emotion. There was a growing expectation of revolution amongst the army, politicians and propagandists, and this came to be centred on the imminence of rule without the tyranny of Charles Stuart. In this atmosphere, it was more natural for the spiritualists amongst the radicals to seek parallels in the Old Testament. They came to view the

28. Nora Carlin, "The Levellers and the Conquest of Ireland", in Historical Journal, 30.2 1987 pp.269-288

pattern of events throughout Charles' reign, and even further back than that, as a direct parallel of the Old Testament stories which foretold the coming of Christ. In a war situation, the slavery of the Israelites in Egypt seemed more relevant than the more academic tales of English history. This eschatological view pervaded most of the Army's propaganda during 1648, since the New Model viewed themselves as instruments of God who would, with His providential help, overthrow the oppressors of Babylon, and free the godly.²⁹

The figures which provided the clearest parallel were those who represented the genesis of evil in the world - Cain, Ham and Nimrod, and those who oppressed the Israelites during their slavery, such as Nebuchadnezzar, Agag, Ahab, and Ahaz. These two sets of examples were used in different ways, and the distinction between them was important. They will be treated in detail elsewhere, but they were used at Charles' trial. We have already noted the use of Nimrod, by state prosecutor John Cooke.³⁰ Lord President Bradshaw, applied a different parallel:

as those Children in the fiery Furnace, that would not worship the golden Image that Nebuchadnezzar had set up, 'That their God was able to deliver them from the danger that they were near unto'. But yet if he would not do it, yet notwithstanding that they would not fall down and worship the Image. We shall thus apply it; That though

29. See, for example, Cromwell's letters towards the end of 1648, in W.C. Abbott, Writings and Speeches of Oliver Cromwell, 4 vols. vol. i. 30. See above, p. 18

we should not be delivered from those bloody hands and hearts that conspire the overthrow of the kingdom in general, of us in particular, for acting in this great Work of Justice, though we should perish in the Work, yet by God's grace, and by God's strength, we will go on with it.³¹

The power of the Norman Yoke theory and the biblical parallels lay in their critique of 'heroic kingship'. It was this image of heroicism that Charles' supporters had tried to cultivate throughout his reign, particularly during the period which has become known as the 'eleven years' tyranny'. For example, Cowley in his poem to celebrate Charles' return from Scotland in 1633, wrote of,

Great Charles! Let Caesar boast Phalaris's Fight,
Honorius praise the Parthians unfeign'd Flight,
Let Alexander call himself Jove's Peer,
And place his Image near the Thunderer,
Yet while our CHARLES with equal Balance reigns
'Twixt Mercy and Astraea; and maintains
A noble Peace, 'tis he, 'tis only he
Who is most near, most like the Deity.³²

This image was maintained into the 1640s, despite Charles' increasing military defeats. In 1640, there were pamphlets relating Charles' triumphal entry into London, despite the fact that the Mayor had had to ride out of the city to greet him, for fear of hostile crowds.³³ Only in 1648, when the

31. Howell, State Trials iv 1016

32. Ruth Nevo, The Dial of Virtue: A Study of Poems on Affairs of State in the Seventeenth Century, (Princeton 1963) p.26

33. "The Triumph of King Charles", in Somers Tracts iv pp.137-151, and Graham Parry, The Golden Age Restor'd (Manchester 1985). Parry maintains that the last masque before the outbreak of war reflected a different tone, one of such intellectual superiority on Charles' part that the ordinary people were unable to comprehend his motives. To an extent he is correct in this, but this soon reverted back to the heroicism when the strains of war provided the need for rallying propaganda.

King's cause began to look doomed, did the emphasis change to an image of a contemplative, much misunderstood king. Both the attack on the militarism of the Norman Yoke, and the oppressions of the biblical kings provided a far-reaching critique of heroicism. The attack on mighty and powerful rulers provided a corollary to the image of downtrodden and oppressed citizens.

Propagandists drew a direct line of descent from the powerful tyrants of the Bible to the current dynasties. For example, an anonymous author wrote in 1643, "Royall power began with Cain, and the Giants of the Earth sprang by mixture, and were men of renown, Gen. 6. 4., and God forbid we should so honour our Kings".³⁴ Giovanni Deodati was an influential figure in protestant thinking of the 1640s. In England, he was claimed as some kind of objective witness, and during the debates over the Propositions of Newcastle in 1646-7, both those who thought the Proposals were damaging to the honour of the King, and those who thought that the King ought to be persuaded to accept them, tried to cite Deodati's words in their defence.³⁵ He was claimed as a friend and mentor by both John Cooke and John Milton, and his commentary on the Geneva Bible had run into three

24. The Subjects Liberty Set Forth, Th. 8 June, 1643, E101(19), p. 3

35. See, An Answer sent to the Ecclesiasticall(sic) Assembly at London, by John Deodate, translated from the Latin, (Geneva 1646), and Luke Harruney, A Reply to a Letter printed at Newcastle under the name of An Answer, (London 1646), which claimed the above to be a forgery.

English editions by 1651. In his commentary, he wrote, that Cain was, "always strengthening himself, and increasing in power and number, and exceeding in wickednesse and iniquity". Ham was, "the accursed one", who, "grew mighty and powerful in the world, by setting up great and tyrannical empires; and was corrupted by idolatries, pride, violence, and other vices".³⁶ Cain and Ham had power which was "not politique".³⁷

However, for the prosecution, the critique of heroic kingship was a blunt instrument. Radical sectarians had also created their own heroic images. Charles' propagandists were painting an image of a valliant soldier in the classical mould. Millenarian preachers, on the other hand, had drawn attention to England's glorious role in leading protestants towards the New Jerusalem. Legislation against catholics and Elizabeth's victories over Spain fuelled their zeal. When Charles came to the throne, these 'puritans' went through a crisis of confidence as England failed to involve herself in the Thirty Years War, and abandoned protestantism in continental Europe. Having attacked the heroic, *puissant* image of the tyrant-king, John Cooke at Charles' trial, attacked the King for failing to live up to that image of

36. John Deodati, Pious Annotations upon the Holy Bible, 2nd ed, London 1648, "The Argument upon Genesis", n.p.

37. The phrase comes from The Subjects Liberty.

heroicism which the radicals of the prosecution professed to despise. He described, albeit from a markedly opposition point of view, Charles' actions in the fight for La Rochelle. He had, he said, "sent a letter to the Rochelliers by sir William Beecher, to assure them, That he would assist them to the uttermost against the French King, for the liberty of their religion".³⁸ It was claimed that Charles then betrayed that promise and caused the loss of La Rochelle for the Protestant cause. Admittedly, this interpretation relied to a great extent on the goodness of the cause. The fight for La Rochelle was a just one, since it was to maintain the rights of worship for French Protestants. However, the implication behind the wording was that had Charles committed English soldiers and money to the Rochelliers' cause, he would have deserved the title of heroic king.

38. Howell, State Trials iv 1021. For heroic millenarianism, see B.S. Capp, The Fifth Monarchy Men: A Study in Seventeenth-Century Millenarianism (London 1972) p.34

These two weaknesses in the prosecution case, that is, the tension between the unprecedented nature of the court and the ancient law they wished to use against Charles, and the attack on Charles' conquest, undermined by their own conquest of him, were evidenced by Charles' ability to improve his public image. However, the prosecution chiselled away at their own case still further, by implying that the arguments they were presenting at law were not to be regarded as conclusive proof of tyranny or treason. Cooke made several statements which demonstrated his insecurity with his own case. For example, he told the Court;

where there is neither law of God, nor nature, nor positive law, there can be no transgression...It is out of the sphere of all earthly law-givers to comprehend and express all particular cases that may possibly happen...The law of England is *Lex non Scripta*... when our Law-Books are silent we must repair to the Law of Nature and reason.³⁹

He implied that the case against Charles was one which could not be found in the law books, and that there was therefore need to look for some more general principle. Similarly, he

39. Ibid. iv 1035

maintained that, "this law need not be expressed, That if a king become a tyrant, he shall die for it".⁴⁰ There was nowhere in statute a precedent that justified capital punishment for the tyranny of kings. Cooke believed it was a general principle which could be comprehended by the law of reason.

However, the case against Charles was not only one which was not to be found in statute. It was not only a law which was not expressed, it was a principle which could not be expressed in law. It depended less on specific actions which Charles had taken which proved his treason against the people and Parliament, than on a more general attack which relied for its force on a moral image of kingship, and particular traits in Charles' character which perverted that image. Take this example from John Bradshaw during the trial speeches:

you (Charles) have gone upon very erroneous principles...for, Sir, you have *held yourself*, and *let fall such language*, as if you had been no way subject to the Law, or that the law had not been your superior.⁴¹

They were, indeed, aiming to prove a case which could not be proven by recourse to precedent, or statute, or jurisprudential tract. They were trying to show that Charles had subverted the constitution because of traits in his

40, Ibid, iv 1032

41, Ibid, iv 1009. My italics.

character. They were trying to show that Charles was a bad king because he was an evil man.

The driving force behind the moves for Charles' execution was that he was an evil man, and the driving force behind republicanism was that monarchy itself was evil. The radicals chose to by-pass arguments about legal precedents and constitutional niceties, often out of ignorance. To an extent it reflected the fact that the majority of republican supporters were drawn from second-rank lawyers, soldiers, and parliamentarians. None of them were legalists or political theorists. Their ideas were consequently crudely presented and frequently contradictory. However, they were also contradictory because the republicans tended to use catch-all arguments to hold together their loose coalition of interests between republican MPs like Henry Marten and Thomas Challoner, Army grandees such as Oliver Cromwell and Henry Ireton, Army agents, rank-and-file soldiers, and the sectarian clergy.

It is for this reason that this study concentrates on the ethical, rather than the legal case against monarchy. It will emphasise its diversity, contradictions and weaknesses. It will also show that after 1649, the republican grouping which formed the nucleus of this loose coalition, managed to seize the initiative, albeit briefly, and introduce a radical, republican agenda for the Rump. Unfortunately, the

propagandists, on whose support the republicans continued to rely after 1649, did not abandon putting forward contradictory arguments, and the republican grouping lost the initiative soon after they had established their settlement.

The procedure towards the execution of Charles I. was a...
...the army, combined with the...
...gives the military forces...
...the army into...
...towards the trial...
...be solely responsible for the...
...against the King...
...the arguments with the...
...Coke may have been a...
...magpie-like, collected phrases...
...intellectual thinkers, but he was...
...revealed the difficulty of...
...form.

There were several varied, but connecting reasons why the case against Charles was made by the...
...The...
...the...
...of their...
...the horrors of war were all the greater in this case because

CHAPTER 2: "The opposition to Charles in the New Model Army".

The pressure towards the specific aim of bringing Charles Stuart to trial, came from amongst the junior officers and agents in the New Model. It was the need to maintain unity in the army, combined with the shows of providence which God had given the military forces, which pressurised the leaders of the army into accepting this course. The fact that the drive towards the trial came from men of such humble origins cannot be solely responsible for the inadequacy of the case made against the King in Westminster Hall. John Cooke presented all the arguments which the Army hawks would have recognised. Cooke may have been a small-town, Independent hack, who, magpie-like, collected phrases, images and ideas from more intellectual thinkers, but he was legally trained. The trial revealed the difficulty of translating a moral case into legal form.

There were several varied, but connecting reasons why the case against Charles was made by the ranks of the New Model. The emotions which accompanied combat worked on the minds of the soldiers to force them to question the reasons why so many of their countrymen were being killed. The mental effects of the horrors of war were all the greater in this case because

they could not justify the death and devastation on the grounds of patriotism, national defence or colonial zeal. The idea of a civil war cut deep into the self-confidence of the English people. It was reflective of wounds and scars within the nation itself.¹ The soldiers who had to leave their families, their communities and their employment, were anxious to discover the cause of the nation's misery, and to remedy it.

They combined their physical and emotional insecurity with a sense of religious zeal and predestinarian certainty which provided a stable force in their itinerant lives. The belief that they were God's chosen instruments, fighting a holy war which would purge the nation of the divisive evils which had ripped it asunder, led them to claim they were, indeed, fighting a just war.² They had a more noble and Christian motivation behind the need to fight than the desire for regular pay or military fame. They were no mercenary army, formed to blindly obey the will of superiors. This belief encouraged them to question not only theological and military issues, but also to involve themselves in political debate. The level of intellectual analysis of constitutional issues

1. There were many comments in the literature of the 17th century which reflected the disturbance in the very 'bowels' of the nation which civil war produced. See for example, Cowley's "Poem on the late Civil War", 1643, in Nevo, The Dial of Virtue p. 39

2. For militarism and election see Capp, The Fifth Monarchy Men, pp. 34-8

was poor, confined to crude responses to national issues. Their contribution lacked sophistication, but, for the first time, the collectivism of military organisation and the stimulation of national events, encouraged ordinary people to develop political responses to political questions.³ In such an atmosphere, the soldiers of the New Model were apt to search for the political reason why they were asked to continue to fight after six years of war, why consecutive peace proposals failed, and why the nation seemed to continue divided. They were more liable to detect the political errors of the King and attribute the reason for the prolongation of the war to his vacillating attempts to play one side off against the other.

The soldiers of the New Model also had a highly developed sense of their own religious role. Even before the regiments had been reshaped into the image of the Christian army which they modelled for themselves in the mid-1640s, every combattant had been furnished with a copy of the Soldiers' Bible⁴. This brief document was short enough and small enough for the soldiers to carry into battle. It contained a choice selection of useful texts on which the soldiers could ponder the nature of destiny, valour, evil and vocation. By the mid-1640s, many of the more articulate and educated of the

3. See Austin Woolrych, Soldiers and Statesmen: The General Council of the Army and its Debates (Oxf, 1987)

4. The Souldiers Pocket Bible, Th, 3 Aug., 1643, C, 54, aa, 1(2)

soldiers believed themselves to be in receipt of grace, a state which their continuing victories seemed to confirm. As the victories continued throughout 1648, the division between the elect and the reprobate appeared to grow larger, eventually polarising into the view that if the Army were the elect, then Charles Stuart was the reprobate.⁵

The agents and soldiers of the New Model did not have the classical education of their senior officers, who combined governmental models from Plato and Aristotle with a protestant world-view. They did not have the theological expertise of the ministers who were trained for their vocation. Indeed, many believed that the formalism which was involved in training for the ministry hindered the free flow of the Holy Spirit from God to the preacher and from the preacher to the congregation.⁶ Ordinary Saints, if such a concept was possible, were more fitting instruments for the transmission of God's word than those whose minds were trained and fettered by book-learning. The view of the world which these soldiers brought to the conflicts of 1648 was, in some ways, an unsophisticated one. It owed nothing to pragmatism and made no concessions to the political aims that were possible within

5. This was especially the case during the last months of 1648, when all attention was focused on the need to deal with Charles. See, for example, A Remonstrance of His Excellency, 20 Nov., 1648, 669.f.13(47).

6. For example, William Erbury, who was active in the debates of the Council of the Army at Whitehall, was a firm believer in the lay ministry. See, Christopher Hill, The Experience of Defeat (Lond, 1984)

the confines of contemporary, political arrangements.⁷ It was a purely dialectical view of the world, in which good was distinguished from evil, the flesh from the spirit, and the saved from the damned. The ethical critique which shaped their view of the war was guided by biblical strictures. The soldiers believed themselves to be the Saints, the remnant who would be saved when God brought about the destruction of the sinful and Christ returned to herald a new age of godly rule. They were therefore the catalysts in a revolution in which tyrants would be overthrown and the meek would inherit the earth.⁸

On the whole, the rank and file and the junior officers were more confident of the imminent rule of Christ, than the grandees, who were reluctant to interpret the will of God. For the Saints, every decision was one of acute emotional anguish. Statements had to be examined in the light of the spirit, for only if a policy, a point of view, or an action, could be said to accord with the will of God could it be considered, 'valid'. This is well illustrated by the Windsor prayer meeting, described, in retrospect, by William Allen. The Army were looking for guidance in their role in the renewed fighting in the Spring of 1648. They decided to put the matter before God, by holding a mass prayer meeting. After three

7. Hence the irascibility and impatience of Henry Ireton at the Putney debates, See, A.S.P. Woodhouse, Puritanism and Liberty (Lond. 1951) esp. Cromwell on breaking engagements (pp.16-17) and Ireton on franchise reform (p.57)

8. See Two Petitions Presented 25 Nov., 1648, E473(23)

days of prayer the Army, supposedly collectively, decided they must,

call Charles Stuart, that man of blood, to an account, for that blood he had shed...against the Lords cause and the mischief he had done, to his utmost, against the Lords cause and people in these poor Nations...⁹

Even then, opposers claimed that this was merely a cover for a "potent politick partie", which was flushed with success¹⁰.

In the confusion and uncertainty between the two civil wars, the statements of the senior members of the Army, and especially Cromwell, reveal them wrestling with their consciences. They engaged in prayer, meditation and debate to try and determine the path dictated by God¹¹. Cromwell wrote long, self-examinatory letters, surely as much to clarify his own ideas as to persuade the recipients. He wrote to his friend, Colonel Robert Hammond, who had custody of Charles on the Isle of Wight. Whilst Hammond had doubts about the increasing drive towards Charles' trial, Cromwell counselled him:

If thou wilt seek, seek to know the mind of God in all that chain of Providence, whereby God brought thee thither, and that person to thee...And, laying aside thy fleshly reason, seek of the Lord to teach thee what that is; and He will do it.¹²

9. William Allen, A Faithful Memorial of that Remarkable Meeting of Many Officers of the Army in England, at Windsor castle, in the Year 1648, Th, 27 April, 1659, E979(3), p.4

10. Ibid, p.6

11. William Cortez Abbott, Writings and Speeches of Oliver Cromwell, 4 vols, especially vol. i, (N.Y, 1939)

12. Ibid, i, p.696

As Cromwell counselled his friend, they must rely on the direction displayed by God's will, and not make independent judgements of their own, for, Cromwell said, "our fleshly reasonings ensnare us"¹³.

Cromwell was counselling that the reasonings which the human mind invented were often easier to bear than the difficult tasks which God would ask them to perform. It was therefore, too easy to veer from God's path and begin upon worldly solutions. It is relatively clear which decisions were so controversial that there was dispute about what God's message might be.¹⁴ It is less easy to put our modern minds inside those of the seventeenth century soldiers. It is impossible to tell, with the passage of centuries, whether the soldiers were, in fact, making a political decision and then claiming it was divinely inspired, rather than receiving an absolute, non-political message through prayer, and then applying it to the contemporary situation. In reality, the two amounted to the same thing. If the Saint believed that what he thought was right, this, in all conscience, could not be claimed to be anything else than a revelation from God.

Problems arose when the collective view was not unanimous. Since God's judgement allowed only a right course and a series

13. As above

14. The decision to try and execute Charles was only the ultimate in a series of dilemmas over the keeping of oaths, the part of the Army in deciding civil structures and the role of the magistrate in regulating religious practise.

of wrong courses, disagreement implied that at least one group was promoting a view which was not concordant with God's will. This situation was likely to lead to claim and counter-claim that one side or other was acting from fleshly, self-seeking motives. The propaganda success which was achieved by the pro-trial regiments during 1648, was to create the impression that the decisions of the Army were entirely unanimous. So great was the force of God amongst them, leading them to follow His path, that eventually there was none who could deny that it was God's will that Charles be brought to trial. Such was the feeling which emerged after the prayers in the Army Council at Putney.¹⁵ Those who opposed further negotiations with the King, came from the prayers with a message of renewed commitment. They were aided by the fact that the opposing position - that held by the Army grandees - was one of caution. The grandees were arguing that Charles ought to be given the benefit of the doubt, and that negotiations ought to be allowed to succeed. They were also on the defensive over their role in seeking to disband the Army. It was an easier task to present the renewed resolve which prayer brought when one began praying from a positive position. This was also the case at Windsor, at the prayer meeting described by William Allen.¹⁶ He presented a picture in which those who were

15. A.S.P. Woodhouse, Puritanism and Liberty, (Lond, 3rd, ed, 1986) p. 38

16. The "perplexities which dogged the Army in 1647 could be resolved by rulers, armies and people following the injunction of Isaiah 5.8., for the voice of the Lord was "plain", asserted Allen, A Faithful Memorial (1659) E979(3) p.8

already hostile towards Charles were confirmed in their course of action by means of seeking God. Allen did not allow that there were those for whom prayer confirmed a commitment to continue negotiations with Charles; neither did he allow that for some, prayer might have changed their minds about the issue.

The strict duality of the issue, a straight choice between God and man, flesh and spirit, meant that it was an easy task to present a view with which one disagreed as ungodly. It was only necessary to portray the holder of a view as an ungodly person, or the view itself as the product of human reasoning and not divine revelation.¹⁷ It sharpened the focus of the moral debate in the late 1640s. Each faction claimed their view to be reflective of God's will, and their opposers as part of the massed forces of evil. A contrary claim was said to be based on private, worldly, fleshly criteria. Since the decision to execute the King was one of unrivalled controversy, the Army Saints were accused of making fleshly decisions with regularity. Meanwhile, the Saints felt certain that God was with them whilst they remained humble and passive. They attempted to divest themselves of all human vanity or will, becoming empty vessels which God would direct. It was a difficult task to remain humble, however, when

17. This was sharply illustrated by the Council of Officers' conferences with the mystic, Elizabeth Poole, who was hailed as a true messenger of God whilst her views accorded with those of the officers, and branded a false prophet when she disagreed with them. See Camden Society "The Clarke Papers", ii, pp. 150-153, 163-170

flushed with military success which thrust them into the centre of the political stage.¹⁸ Such certainty in their own election seemed self-defeating. They combined this certainty in their own grace with a political organisation and ability to manipulate propaganda to portray their own message, which allowed them to overshadow all opposition points of view within the Army towards the end of 1648.

This is not to say that the way in which the New Model chose to interpret the Bible was not selective. They looked for those phrases, texts and passages which they believed had special relevance to their own situation. Throughout 1647 and 1648, these were almost exclusively from the Old Testament. Because many in the Army believed in the imminence of the new kingdom of Christ on earth, there was a tendency to recreate, albeit mentally, the conditions immediately prior to the coming of the Gospel. It was of secondary importance that Christ's kingdom had already arrived, and that the Christian world supposedly already functioned under Gospel Law.¹⁹ This sense of impending, revolutionary change was not confined to those who thought that the second coming of Christ was going to be a literal event.

18. See, for example, the confidence displayed in the newsletter, Mercurius Militaris, or the Armies Scout during late 1648.

19. This was discussed at the debates at Whitehall, see Woodhouse, Puritanism and Liberty pp. 152-169

Several variants of Old Testament thinking provided solace or inspiration for the New Model Army towards the end of the 1640s, forming the basis of the moral interpretation which the regiments gave to contemporary events. They often referred to the Pentateuch,²⁰ and in particular, drew parallels between the rulers of the earth, and the descendants of Cain, Ham and Nimrod. In this case, the 'rulers' of the earth were not necessarily kings, though they usually described Nimrod as the first king on the earth. Rather, these biblical characters were seen as the progenitors of all figures of authority and wealth - landlords, monopolists, bishops - though of course, the description could be, and was, applied to kings.

The Books of Samuel, particularly the text of I Samuel 8., described the nature of earthly kings. Both Royalists and those who opposed the King agreed that the kingship of the Jews had been ordained by God, though they differed in their interpretation of its contemporary relevance. There was also a more specific kingly parallel to be found in the Books of Chronicles and Kings, though it was also dotted through other Old Testament Books. Chronicles and Kings told the histories of the kings of Egypt, Assyria and Babylon²¹ who attacked and

20. Of the first five books of the Bible, Genesis and Deuteronomy were by far the most widely used; Genesis for the origins of good and evil in the world, and Deuteronomy for the origins of Judaic Law.

21. These were the three of the original four earthly empires represented in Daniel, the fourth being Greece and Rome, and from the Reformation, the Papacy. See, Capp, The Fifth Monarchy Men, p.23.

oppressed the Israelites and sold them into slavery. In the minds of the soldiers, figures such as Ahab and Nebuchadnezzar provided a very clear parallel for the kingship of Charles Stuart.

If the Old Testament seemed to describe the misery of their bondage, it also hinted at the manner of their deliverance. The source of the rhetoric of hope was found in the Prophets, particularly Isaiah. It was possible to interpret the Prophets in a way which implied a special message of impending doom to the oppressor, and of freedom for the saved. The Prophets heralded the age of Christ. In Isaiah, the specific reference to the birth of a Messiah made it even more pertinent.

The message of the Old Testament provided the means of their deliverance on earth. When the Army was convinced that it was God's will to bring Charles and the delinquents to trial for their crimes against the godly, they judged Charles according to moral, rather than legal criteria. They therefore applied the most obvious statement of moral law - the Decalogue. The Bible provided the Saints with a ready formulated statement of moral judgements. The Saints believed themselves to be the legitimate instruments of God's will on earth and they could therefore apply the Moral Law of the Decalogue to Charles' case. The Judaic Moral Law provided them with a tough, uncompromising statement of the limits within

which man lived with his fellow man and worshipped the one, true God.

The importance of the Cain group of parallels was as an illustration of man's division into the elect and the reprobate. In 1648, not all the soldiers of the New Model believed in the absolute division of mankind into the saved and the damned. The majority were confident of their own salvation, and they saw themselves as the remnant of the godly who would save the whole nation and return it to a pure, cleansed form of worship. The disagreements tended to focus on the nature of the rest of mankind. Were they preordained to damnation, or were they currently in a state of sin, but capable of salvation?²² However, despite the break-down of the strict Calvinist division into the elect and the reprobate, some degree of predestinarianism still shaped the thinking of the majority of the soldiers of the New Model. This was particularly so of those who were opposed to Charles, though it is difficult to distinguish whether they opposed Charles because they saw in him, the personification of reprobation, or because the inevitable concentration of political hostility towards the King, revived their belief that there were indeed, predestined groups within the world.

22. the radical, sectarian churches came increasingly to question whether there were those who were predestined to damnation, irrespective of their faith or saintly behaviour. This debate raged particularly fiercely among the Baptists, who were split into 'General', who believed in universal salvation, and 'Particular', who were predestinarian.

The original biblical division claimed that of Adam's two sons, Cain was doomed to damnation, Abel would be saved. After the flood had purged the earth of sinners, Moses' sons divided in the same way. Shem and Japheth were among the saved, Ham was one of the reprobate. Probably because they were prevalent at a time before the general doctrine of predestinarianism came to be questioned by radical, spiritualist protestants, examples concerning Cain and Ham were usually restricted to the early years of the war. For example, the author of, *The Subjects Liberty Set Forth* believed that, "Royall power began with Cain, and the Giants of the Earth sprang by mixture, and were men of renown, Gen. 6. 4."²³. An author whom Thomason described as a "High German", claimed that England's rulers were responsible for, "Cain-like, fierce, nay Diabollicall contentions"²⁴, whilst another anonymous pamphleteer believed that, "the Kings of the Nations came out of the loynes of the cursed Ham"²⁵. All these examples come from 1643. Towards the end of the 1640s, Nimrod was claimed as a more specific reference to kings. Genesis describes Nimrod as, 'a mighty one in the earth...the mighty hunter before the Lord'²⁶ However, the prosecutors of Charles regarded him as the first king on earth²⁷. However, even here, it was usually the case that

23. *The Subjects Liberty Set Forth*, Th, 8 June, 1643,

24. *What God, the Supreme Judge, Through his Servant hath Caused to be Manifest*, Th, 21 Nov., 1643, from the title,

25. *Englands Satisfaction in Eight Queries of the Place of a King*, Th, 8 June, 1643, p. 7

26. Gen, 10, 8-9

27. Howell, *State Trials* 1020

these examples implied the whole host of repressive figures of authority, and not solely, kings. Both John Cooke and Henry Marten combined an attack on the divine-right powers claimed by Charles with an attack on the royal, feudal rights over forest lands. Marten wrote in, *The Parliaments Proceedings Justified*, that the Presbyterian-dominated Parliament might have carried any vote, even, "for the making a Forrest of *all England*, and a God of *Nimrod*"²⁸. Cooke echoed the phrase in his intended prosecution address. Talking of the power of the King's prerogative, he claimed Charles was, "that great Nimrod, that would have made all England a forest"²⁹.

Giovanni Deodati described the division of man in his commentary on the Geneva Bible.³⁰

There came two branches from Adam [wrote Deodati], the one by Cain, and the other by Abel...The first of the children of the world, accursed, abandoned in the state of sin and condemnation, having the devill for its head...These two bodies have even from the begining continued in enmitie, trained up in much cruelty and fiercenesse of the evill, against the good one, the first always strengthening himself, and increasing in power and number and exceeding in wickednesse, and iniquity...

For the accursed one quickly grew mighty and

28. Henry Marten, The Parliaments Proceedings Justified, Th.7 Feb., 1648, E426(2), p.16

29. Howell, State Trials 1024. It is difficult not to suspect that Cooke lifted the reference from Marten.

30. Milton had certainly known Deodati whilst visiting the continent. Cooke made a reference to his friendship with him during the trial speech and in a later pamphlet. See, Howell, State Trials iv, 1039, and Cooke, A True Relation of Mr Justice Cooke's passage by Sea from Wexford to Kinsale, Th.5 Jan., 1650. See chapter 1.

powerfull in the world, by setting up great,
and tyrannicall empires; and was corrupted by
idolatries, pride, violences, and other vices...³¹

Deodati set up an obvious dichotomy between the saved and the damned, between the children of Cain and those of Abel. He also made reference to the lives of those two branches on earth. In particular, he described the earthly existence of the damned. Those who were predestined to damnation, he believed, used their sinfulness to oppress their fellows and glorify themselves. The exercise of pride, violence and idolatry enabled them to achieve power and glory on earth. God would be a harsh judge of their lives on earth, but not until their deaths would their sins find them out. In other words, these figures provided an example of heroicism. Terms such as 'mighty', 'glorious' or 'powerful' were associated with military strength and oppression. These were the facets of kingship which had become increasingly unattractive throughout the 1640s. As the soldiers of the New Model, the churches which sought their protection, and the citizens who sought safety from the war, came to regard themselves as the persecuted remnant, Charles increasingly came to be viewed as a powerful, awesome, but nevertheless repressive and evil ruler. This type of ruler was foreshadowed in the Bible by the iniquity of Cain, Ham and Nimrod, and was illustrated by those Judaic kings who oppressed their own people, and by the kings

31, Giovanni Deodati, Pious Annotations upon the Holy Bible, 1st ed, 1643, 2nd, ed, 1648, "The argument upon Genesis".

of the surrounding nations who conquered and enslaved the Israelites.

In seeking to attack Charles, it was particularly necessary to counter the belief that the divine sanction which had been given to Judaic kingship remained legitimate in the contemporary situation. If this sanction passed to all kings, it would be impossible to criticise Charles, for he would indeed have succeeded to all the elements of divinity which his supporters claimed for him. This was the case outlined in the First Book of Samuel.³² It was a text which was often used by Royalists, and as Cooke said, it was, "one Passage which the king would have offered to the Court"³³. The Jews continually pressed Samuel to intercede with God (Yahweh) to grant them a king, because they envied the other nations who had an earthly ruler to judge them. God warned Samuel of the consequences, but the Jews continued to clamour for a king, and God granted their desire. Saul was the first King of the Jews. Republicans, and indeed those who opposed the Royalist cause on far more moderate grounds, countered the claim that this constituted a divine blessing on all kings. They maintained that this divine sanction was entirely specific to the ancient Jews. The customs of the Jewish state were no longer applicable to the modern world and it therefore

32, I Sam, 8, 6-22

33, Howell, State Trials, iv, 1020

followed that monarchy, as an institution, had not received any special, divine sanction.

Confining the divine elements of kingship solely to that given to the Jews was an adequate way of attacking Charles' pretensions to divine-right powers. However, the argument from the First Book of Samuel was one which could be taken further. The Jews had asked for a king which would govern like the rulers of other nations. Since the Israelites were the only people within the covenant of God, they were asking to be like their heathen enemies. They were rejecting their covenant with Yahweh. As a consequence, God outlined through the Scriptures, the sort of rule which they would suffer under kings:

And Samuel told all the words of the Lord unto the people that asked of him a king. And he said, This will be the manner of the king that shall reign over you: He will take your sons, and appoint them for himself... And he will appoint him captains over thousands, and captains over fifties; and will set them to ear his ground, and to reap his harvest, and to make his instruments of war, and instruments of his chariots... He will take a tenth of your sheep: and ye shall be his servants. And ye shall cry out in that day because of your king which ye shall have chosen you; and the Lord will not hear you in that day.³⁴

Though the rule of the Kings of the Jews was sanctioned by God, it was not approved by God. God made it clear that he was displeased with the people of Israel for rejecting his word. He would therefore show them the oppressive nature of the kingship of heathen nations. Those who wished to push their

34, I Sam, 8, 10-12, 17-18

attack on Charles further than a simple denial of his divine right to rule could therefore point out that God allowed kings to rule, but nevertheless opposed them. They were an arm of the flesh which the chosen people demanded at their peril. In the phrase which was to become commonplace in the late 1640s, kingship was by God's permission, not his approbation.

Furthermore, God had described, through the Scriptures, the true nature of kingship. The kings of the Jews would indeed rule in a tyrannical way, the same as the foreign kings oppressed the subject Israelites. They would be guilty of the same extortions and burdens. In order to return to a truly godly state, therefore, it could be argued that God wanted the people of the world to reject kingship, and return to the worship of God and the one true king, his son.

The more radical critiques of kingship were seldom used by the soldiers of the New Model. Instead, they looked for more clear, perhaps crude, parallels for the reign of Charles Stuart. Even here, however, some parallels had more far-reaching implications than others. In view of the opposition to the concept of Judaic kingship, it was ironic to find that one of the most popular parallels for Charles and the Royalists was Agag, and the people of Amalek. Saul had been commanded by God to, 'go and smite Amalek, and utterly destroy all that they have, and spare them not'³⁵. Saul sacked the

25, I Sam. 15. 3.

city and killed many of the people and their livestock, but he spared Agag, their king, and some of his choicest beasts. God reproved Saul for having spared the rebel, and Samuel was forced to kill Agag, saying, 'as thy sword hath made women childless, so shall thy mother be childless among women'³⁶.

This text was open to both radical and conservative interpretation. From a conservative point of view, the implication behind the use of this text, was that the whole Army could be represented as an individual - either Saul or Samuel. This may have represented the need to make the portrayal of the conflict more immediate by personifying the war as a battle between two men. It sat uneasily, however, with the desire to represent the war as a conflict between one, self-interested individual, and an army who represented the whole nation, or at least the Saints. It hinted at the revival of interest in the idea of a single, individual saviour on earth, which during the 1650s began to focus on the person of Oliver Cromwell. This example may have been popular, however, because it seemed, in that one text, to sum up the bitterness and anger towards Charles which must have been felt by ordinary soldiers and by those who had lost family members.

An Army supporter counselled that they must not treat with Charles, otherwise, "shall not Agag, and the fattest

36. I Sam. 15. 33.

Malignants be only spared against all lawes of justice and equity: but must these have swords put into their hands again?"³⁷. The majority of this pamphlet indicated that it belonged to the radical interpretation. This interpretation carried forward the point that even the divinely sanctioned kings of Israel were sinful and and reigned in contravention of God's plan though he permitted their rule. Not only were the kings of foreign, heathen people, such as Agag, oppressors of the Saints, who must be overthrown to restore free and godly government, the kings of the Jews were equally oppressive. If the Saints were to usher in the new reign of Christ, all kingly forms of government had to be overthrown. Henry Marten drew the analogy between the heathen and Judaic kings:

Because Agag by drawing his sword, had made many women childless, it seemed to be Sauls opinion. That the putting up his sword again would restore the children to their mothers: But the ways of God were more equal in that case...One of the Kings had his thirst after mans blood quenched with his own; and the other, for thinking that Laws did not extend to the punishing of Kings, was himself punished with being unkinged.³⁸

Some unidentified citizens of London recommended the same coupling to their fellows in July 1648:

For as the lives & estates of Saul & Agag were taken, the one for sparing Agag King of Ameleck and the other Behadad King of Syria, so it is as likely and possible, and

37. The Peoples Eccho (sic) to the Parliaments Declarations, Th, 18 Aug., 1648, p. 12, E549(25)

38. Marten, The Parliaments Proceedings Justified p. 8

it is just and equitable, that God wil in the first place so deale with those who have justly accused the grand enemy of our peace, if they instead of prosecution, make an unjust agreement, contrary to the revealed will of God. I Sam. 15. 8. &c. I King. 20. 42. Isai. 14. 18. 19. 20.³⁹

It was necessary to undermine the kingship of even the supposedly heroic and laudable kings such as Saul and David. According to John Cooke, who catalogued a list of kings who had been justly condemned to die, amongst them was, "Cain, for the murder of one righteous Abel, and David, for one Uriah"⁴⁰. This passage appeared in the preface to Cooke's pamphlet, *King Charls His Case*. It therefore appears to be a late, additional reference taken from Bradshaw's speech during the trial, who referred to David as, "a good king", who, "was once guilty of that thing [meaning murder], and was clear otherwise, saving in the matter of Uriah"⁴¹.

The Books of Kings and Chronicles provided figures whom the Army thought were the most apt parallels for Charles. These were the examples most likely to feature in the pamphlets calling for Charles to be brought to justice. For example, Ahab, the King of Samaria, had fostered the idolatrous worship of the priests of Baal. Ahab was married to

39. The Voice of Conscience to all Well Meaning Citizens, Th. 16 July, 1648, 669, f. 12(83), broadsheet.

40. Howell, State Trials iv, 1046, see also n. 14

41. Ibid., 1016

the infamous Jezebel, and may thus have provided a subtle reminder of the unpopularity of Henrietta Maria. Therefore, the regiments, in rallying the godly, were looking for the, "thousands...that have not bowed their knee to Baal and are yet...firme and untainted with the poysonous principles of Oppression and Tyranny"⁴².

The examples which were used by the regiments of the New Model who were pressing for Charles' trial towards the end of 1648 were usually less open to varying interpretations. Agag's son, Ahaziah also, 'did evil in the sight of the Lord...For he served Baal, and worshipped him', (I Kings 22.52-3). Nebuchadnezzar was the King of Babylon whose army besieged Jerusalem and sacked the temples of Yahweh (II Kings 25). Therefore, Nebuchadnezzar also became a parallel for Charles. 'Verity Victor' believed that returning Charles' power of veto would be like cutting down Nebuchadnezzar's mighty tree, and leaving the root behind.⁴³

The Jews developed a siege mentality in response to successive invasions, oppressions and transportations and in a similar way, the Saints in England believed themselves to be a battered and tired remnant, forced to suffer under the oppressions of an ungodly king. The Bible was reinterpreted to

42. A Copie of Two Letters, from the Officers in the North, dated 11 Sep., 1648, 669.f.13(27) n.p.

43. 'Verity Victor', The Royal Project, Th.20 Oct., 1648, E468(22), p.16

represent the poor, enslaved Saints being forced to cower beneath the power of a heathen. The worship of Baal became the Laudian Church settlement. The siege of Jerusalem was considered analogous to the war which Charles had declared on his people. There was a link between the examples of foreign kingship which had enslaved the Israelites and the image of the Norman Yoke. In other words, the emotive juxtaposition of the supposed tyranny of William's Norman conquest and the slavery imposed on the defeated Saxons, was recreated in the comparison with the rule of heathen kings over their Israelite slaves.

The aim of these comparisons was to portray a sense of horror and relentless misery caused by Charles' rule. The feeling of freedom which the release of that burden would bring, would therefore be all the greater, justifying the hyperbole of the coming of the Gospel. This rhetoric was provided by the prophetic books - a rich source of dramatic language and heightened emotion.⁴⁴ Quotations, especially from Isaiah, Jeremiah and Daniel built up the anticipation of imminent freedom. They also provided a sense of hope. The Prophets had fulfilled a similar function themselves. They

44. By way of some selective, but by no means unrepresentative examples, it being a major research topic in itself to complete an exhaustive list, see, E1182 (Isa., Jer., Hos., Rev., Job, Ps.); E459(25) (Jer.); E474(7) (Isa.); E1184(8) (Isa., Jer.), E477(22) (Zach., Mic., Isa., Rev., Ezek.); E538(4) (Rev., Zech.). Many of these also used other Old Testament texts, such as Genesis, Samuel, Psalms, and Proverbs which dealt with the law, the Covenant and the prophetic warning about breaking the Covenant.

heightened the language of doom in order to increase the remnant's anticipation of freedom. Isaiah was a particularly popular source of texts in the late 1640s. It was the longest of the prophetic books - consisting, in fact, of three distinct writers - and used the most emotive language. It also held out the specific hope of the arrival of the Gospel, referring to a Messiah who would free the Israelites from their bondage.

The prophets were also open to varying interpretations. The regiments who were calling for Charles to make amends for his blood guilt, used the prophets for their blood-curdling language and message of doom to the oppressor. They foretold a situation in which the slavery of the Israelites would be ended by a cataclysmic revolution. The Saints, the remnant, would inherit the earth. However, there was another interpretation of the prophets' message which believed that it held out only a conditional hope of freedom. Their message of doom, was, they believed, a critique of their own Judaic society which had lost sight of the will of God. Their salvation was therefore only possible if they turned from their current evil ways and followed the path which God had revealed to His prophet. In terms of the events of December 1648, this could be, and was, used as a criticism of the decision to try the King. The prophetic passages could be interpreted as a warning of impending destruction if the Army continued on their present course.

The three authors who all wrote as Isaiah held different views, and consequently, the tone of the Book of Isaiah differs throughout. In modern scholarship, the tendency is to see the prophets as internal critics of Judaic society, not as critics of the foreign oppressors.⁴⁵ They were attacking the sins of the Jews who had broken the covenant of Moses and brought such terrible consequences upon themselves. This interpretation was akin to that which believed that evil rulers were God's punishment for the wickedness of the people. The original Isaiah of Jerusalem was a prophet of doom, an analyst of society, and a means to make that society turn again to Yahweh. The prophets represented a conditional situation - either people followed their advice or God would exact revenge. This interpretation of the prophets was followed by those sectarian spiritualists who opposed Charles' execution and who were fierce critics of the Commonwealth government.

The majority of those pamphlets which were published towards the end of 1648, which came from the publishers of radical sectarian tracts, chose a passage from the Prophets to illustrate their messages. These were sometimes couched in the form of a warning to the Army, though its supporters were selective in their choice, and tended to choose those texts

45. The writings of R.P. Carroll are particularly valuable on this point, particularly, When Prophecy Failed: Reactions and Responses to failure in the Old Testament Prophetic Tradition, (Lond, 1979)

which illustrated the political direction which they favoured. In August 1648, a pro-Leveller group in London used a text from Isaiah to illustrate the political danger of associating with Charles.⁴⁶ Thomas Brooks' sermon on the death of Thomas Rainsborough took a text from Isaiah, 26.19.: 'Thy dead man shal live (together with) my dead body shall they arise. Awake, and sing you that dwell in the dust; for thy dew is as the dew of herbs'.⁴⁷ John Redingstone encouraged the Army and the purged Parliament with texts primarily from Psalms and Revelations, but he also drew attention to the similarity of Charles' transgressions with those of Saul:

but our King hath slain and destroyed the Lords dearest friends, his first borne, his peculiar treasure and jewels, most dear and tender to him, 'He that toucheth them, toucheth the apple of his eye'.⁴⁸

This last quote was from the prophet, Zechariah.⁴⁹

In June, 1648, Cromwell wrote that God would break the 'yoke of bondage' under which England laboured - a reference to Isaiah 9.4., and that God would break, "the rod of the oppressor, as in the day of Midian, not with garments much rolled in blood, but by the terror of the Lord".⁵⁰ He found

46. The Peoples Eccho, op.cit.

47. Thomas Brooks, The Glorious day of the Saints Appearance, dated 14 Nov., 1648, E474(7)

48. John Redingstone, Plaine English, dated 12 Jan., 1649, E538(4) p.5

49. Zech, 2, 8.

50. Abbott, Writings and Speeches, 1. p.619, To Fairfax, 28 June, 1648, Isa. 9.5.

the texts of Isaiah comforting as he led the New Model into battle in September. He was wrestling with the consequences of an outright military defeat of Charles, for the victories of the parliamentary army seemed to show that God was sanctioning its conquest. He wrote to St. John,

Remember my love to my dear brother H. Vane]. I pray he make not too little, nor I too much, of outward dispensations. Let us all not be careful what use man will make of these actings. They shall, will they, nill they, fulfil the good pleasure of God, and so shall serve our generations... This Scripture has been of great stay to me; read it: Isaiah eighth, 10, 11, 14... ⁵¹

Isaiah 8. 10, 11, 14. read;

Take counsel together, and it shall come to nought; speak the word, and it shall not stand: for God is with us. For the Lord spake thus to me with a strong hand, and instructed me that I should not walk in the way of the people.

51. Ibid, i, p.644

And he shall be for a sanctuary; but for a stone of stumbling and for a rock of offence to both the houses of Israel, for a gin and for a snare to the inhabitants of Jerusalem.

Cromwell, in this passage, was counselling Vane and St. John not to associate with the King. However, in comparison with the strident tone of the texts that Cromwell was using whilst he was taking part in battle, this later reference seems to indicate the confusion which Cromwell felt about the political situation in moments of quiet reflection. Even at the end of November, Cromwell was still searching the Scriptures to determine whether his reading of Providence really accorded with God's will.

Such an emphasis on the Old Testament encouraged the Army to look for Old Testament solutions. As a result, they turned not to the statute law, but to the application of the Judaic Moral Law. The 'Law' of the Old Testament was divided into the Moral, Judicial and Ceremonial. Moral Law was that handed down to Moses at Sinai. The soldiers of the New Model, whose theology was as unsophisticated as their jurisprudence, tended to regard the Moral Law, The Ten Commandments, the Decalogue and the Natural Law as interchangeable terms. The Moral Law was prohibitive. However, since man had been created in God's image, they claimed it was natural for him to eschew these sins. In other words, it was an unnatural act for man to kill or steal. To commit such crimes required a conscious,

knowing intention to sin. The Moral Law was divided into the First and Second Tables, relating to the strictures which guided man's worship of the one true God, and man's relationship in earthly society with his fellow man. The Judaic Law referred to those earthly laws by which the Moral Law was enforced, and the Ceremonial Law was designed to protect the purity and integrity of the Jewish people by establishing laws to guard internal customs.

The force of the Judaic Moral Law in the England of 1648 was not an uncontroversial argument in the Army itself. When the Army Council met at Whitehall to discuss the proposals in the *Agreement of the People*, relating to the magistrate's power over religious worship, these issues were freely and widely discussed. The Army was divided over whether the Moral Law continued to have legitimate force in 1648. It was generally agreed that *provided* the laws being enforced were indeed the Moral Law, and touched the conscience, rather than dictating specific forms of worship, the moral law remained in force. This was a point made most forcibly by Henry Ireton. The divine, Mr Gilbert, stated it better:

When Israel had renewed their Covenant with God so that God accepted them... he was pleased to deliver his mind to them... in those ten words, commonly called the Ten Commandments. Now as your good Apostle saith, they consist of two Tables, and the commands of the First Table are all negatives. Now God never gave any rules to the sons of men but he gave them to be in force. For my own part I apprehend that they are moral, and so a rule to all the sons of men as well as to Israel, but especially to

those who are zealous for their God.⁵²

Since the soldiers were inclined to believe that they were living in a situation comparable to that immediately prior to the Gospel, they considered the Moral Law retained its legitimacy. They also maintained that since the Moral Law described those laws which were part of man's nature, this would not change with the Gospel. Only the judicial and ceremonial laws would be swept away.

Charles was therefore judged according to the Moral Law. It was held that he had broken both the First and Second Tables. By ranging over all of Charles' life, rather than the specific years of the war, the prosecution sought to prove the extent of his 'crimes'. For example, the rumour that he had conspired with the Duke of Buckingham to poison James I was included in order to show that he had not honoured his father.⁵³ His attempts to impose a Laudian Church settlement were considered to be creating false idols. The witnesses who revealed that Charles was present during battle, were designed to 'prove' that he had committed murder - thou shalt not kill. The idea of a long-standing catalogue of sins was repeated by petitioners from Rutland, who called on the Army to protect them from a Personal Treaty with Charles, which contradicted all the votes made about La Rochelle, the death of James, the

52, Woodhouse, Puritanism and Liberty, p.152

53, See, for example, Cooke's statement, Howell, State Trials 1023

Irish rebellion, the use of German cavalry, and the violence done to Parliament. "How durst our Parliament think of treating with such a man!", they railed.⁵⁴

Charles was not only to be judged by Old Testament criteria, his punishment would be that meted out to Old Testament murderers and idolaters. These can be summed up as the 'eye for an eye' principle⁵⁵, and there were many Old Testament texts which pointed the way to Charles' fate. Numbers 35.33., held that, 'blood it defileth the land: and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it'. Similarly, Genesis 9.6. counselled, 'whoso sheddeth man's blood, by man shall his blood be shed'. Both were cited by John Bradshaw as he reached the climax of his speech against Charles. Bradshaw branded the King, in terms of the official charge against him, "Tyrant, a Traitor, a Murderer, and a Public Enemy to the Commonwealth of England". In pronouncing the sentence, Bradshaw almost admitted that they were not punishing Charles according to statute law, but according to the Moral Law:

54, To His Excellency the Lord Fairfax, dated 24 Nov., 1648, 669, f. 13(47), broadsheet, presented by Lieut. Freeman and three gentlemen of Rutland.

55, The phrase, "an eye for an eye" was rarely used, though it is the most apt biblical summation of the principle. Exod. 21. 24., Lev. 24. 20., Deut. 19. 21. I have discovered only one direct reference to the phrase itself, from William Bridge's, "Babylons Downfall" (p.10), quoted from Capp, The Fifth Monarchy Men P. 39

And truly, Sir, if any man will ask us what Punishment is due to a Murderer, let God's Law, let man's law speak. Sir, I will presume that you are so well read in Scripture, as to know what God himself hath said concerning the shedding of man's blood: Gen. ix. Numb. xxxv. will tell you what the punishment is...⁵⁶

The regiments' use of the Law was complex and went beyond the blood guilt with which Charles was attacked.⁵⁷ They considered themselves to be the legitimate organs of God's will on earth and they were therefore entitled to judge Charles according to God's laws. Hence the blood-curdling language of the soldiers towards the end of 1648. The soldiers of three of the most radical regiments were troubled by, "the serious thoughts of the hidious cry of innocent blood crying for vengeance to Heaven, together with the Meditation upon that peremptory command of the Creator, 'whoso sheddeth mans blood, by man shall his blood be shed'".⁵⁸ The author of, *A Sad Message Threatening Destruction*, counselled that, "thy princes are rebellious and companions of Thieves...like wolves ravening the prey, to shed blood and destroy, Jer. 6. 10, 11, 13. Isa. 1. 23. Jer. 22. 27."⁵⁹ *The Peoples Eccho* believed that Agags, such as

56. Howell, State Trials, 1014

57. For a more detailed account of blood-guilt, see, Patricia Crawford, "Charles Stuart: That Man of Blood", in Journal of British Studies, xvi, 2, 1977, pp. 41-61

58. The declarations and Humble representations of the Officers and Soldiers in Colonel Scroops, Colonel Saunders, Col. Wautons Regiment, Th. 7 Dec., 1648, E475(24), p. 2

59. A Sad Message Threatening Destruction, Th. 15 Aug., 1648, E1182(10), p. 1

Charles and the delinquents, should be, "hewen in pieces by the sword of Justice"⁶⁰, and the officers of the Army in the North East were of the opinion, "that all endeavours, for the bringing of other Instruments and Incendiaries to codign punishment, while the grand Delinquent is untouched, [h]ave to little purpose, as being not an acceptable Sacrifice to the Justice of God"⁶¹.

This language of the New Model was reflecting an old division between the God of salvation and the God of justice. It was a traditional distinction which had been popular in the Middle Ages. The God of justice acted as a weapon of fear to encourage 'right' behaviour, holding out the threat of damnation if man should wilfully sin. However, as a balance, the God of grace would save all those who truly believed. Such was the distinction drawn in Medieval literature, such as the Macro Plays which contained characters representing Veritas (Truth), and Justicia (Rightousness), who were pitted against Pax (Peace) and Misericordia (Mercy). The New Model were therefore combining a traditional image of God with Old Testament parallels and applying it to a contemporary situation. Their God was the threatening God of vengeance and destruction. God would bring death to their enemies and they, as the elect, would be saved by His redeeming grace. They

60. The Peoples Eccho op.cit. p.12

61. Two petitions to his Excellency the Lord Fairfax, dated 24 and 25 Nov., 1648, E473(23), p.6

therefore used the appropriate language. Charles was to be a legitimate 'sacrifice' to the true God, in comparison with the idolatrous sacrifices of the Laudians. They would exercise 'vengeance', as God's lieutenants on earth, and not a personal 'revenge'.

This analysis has implied throughout that these biblical reference could have another interpretation. This counter-interpretation was to form a major sectarian critique of the new government. There were those, both soldiers and others who supported the Army in their battle to defeat oppression, who expected the Army to show mercy and compassion to the conquered, rather than death and judgement. These were the values outlined in the New Testament Gospel, not the Old Testament. In particular, this was their attitude towards Charles' execution. These sectarians quoted a text which was frequently used by those who justified the regicide: 'vengeance is mine, I will repay, saith the Lord'. This is, in fact a quotation from Romans, in the New Testament. Vengeance, it said, belonged to the Lord. Therefore, only God had the right to judge Charles. The New Model were not exercising God's will, but their own private 'revenge'.

CHAPTER 3: "The Old Testament and the critique of kingly pride and idolatry".

The morality which the New Model applied to Charles was based on a strict application of the Judaic concept of the *talio*, or retributive punishment. In simple terms, it meant, 'an eye for an eye...a life for a life'. It was a stark value-system which viewed issues as black or white. It was essentially, a reactionary concept, limited in application to the response to individual crimes, and assessments of people's actions. A crime was committed; it was judged by God's law; the corresponding punishment was applied. It did not necessarily say anything about Charles' motivation; why he had been allowed to commit these crimes for so long before he had been stopped. It did not anticipate the way to prevent such crimes in the future.

The mid-seventeenth century was a period during which an Old Testament value-system was replacing a more traditional, Medieval code. However, during the period under discussion both these codes of ethical judgement seem to have operated together. Whilst good and evil was judged by compliance with the rules of the Decalogue, it was also still measured according to a system of virtues and vices. The distinctions between the two are important for this study since the

Decalogue was applied very specifically to Charles Stuart, a virtue-system had more far-reaching consequences. The power of that critique was that it provided the impetus and the means to try and execute the King, and therefore to be rid of the very real threat which a single individual posed to the proposed settlement. The more traditional Medieval system is best described as that of the seven deadly sins and their corresponding virtues. The advantage of this system was that it had a more general application, since it described the characteristics of all mankind, and consequently, all kings. William Baldwin was the author of *A Treatise of Morall Philosophie*, published in 1547, which ran to twenty-three editions. In it he repeated the 'pithy' statements of wise men, particularly the ancient philosophers and was especially concerned with their advice to their rulers. According to Baldwin, 'moral philosophy' was, "the knowledge of precepts of al honest maners, which reason acknowledgeth to belong and appertayne to mannes nature...and also is necessary for the comly governance of mannes lyfe".

According to Medieval comentators, there were seven sins of which man was guilty as a result of his fall from grace in Eden : pride, lust, gluttony, envy, avarice, covetousness, and sloth. These sins had corresponding

1. William Baldwin, *A Treatise of Morall Phylosophye. Containing the Sayings of the Wyse.* (London 1550) Aiii, "Of the partes of Philosophie".

virtues, though more emphasis was placed on human sin than on human virtue. Though all mortals were liable to sin in these ways, sections of the community, and in particular, those people who were in positions of authority, were branded with particular vices. Therefore, for example, the monks and nuns who were meant to be chaste and charitable, were accused of gluttony whilst the larders of the poor were bare, of lust in contravention of their oaths of celibacy, and avarice, in taking tithes from those who were ill able to pay. Governments were also constantly held up to the scrutiny of the seven deadly sins. Baldwin's epic poem, *A Mirror for Magistrates* only went into fourteen editions, but achieved a more common popularity, in comparison with the more academic *Treatise*. It was particularly 'pithy' about the nature of government, and consisted of a historical analysis of the various weaknesses, and less so, the strengths, of England's rulers. Particularly during the fifteenth century, but also into the sixteenth and seventeenth centuries, the image of governments which was portrayed in literature, and certainly in popular culture, was of kings. Irrespective of the influence of Councils, advisers, or parliaments, decisions, responsibility and ultimately, liability, lay with the monarch. As such, it provided a popular source for those civil war pamphleteers who cited English historical examples. Baldwin had the following warning for kings:

But woo(sic) to him whose will hath wisdomes place:
For who so renteth right and law a sunder

On hym at length loe, all the worlde shall wunder,
Hygh byrth, choyse fortune, force, nor Princely mace
Can warrant Kyng or Keysar fro the case,
Shame sueth synne, as rain drops do the thunder.
Let prynces therfore vertuous lyfe embrace
That wilfull pleasures cause them not to blunder.²

The two critiques of the Old Testament and the seven deadly sins may have operated in tandem, but they also overlapped at certain points. Indeed, it is unlikely that the Medieval value-system would have survived the rigours of the Reformation had its relevance and value not been compatible with protestant thinking. This was demonstrated by the two corresponding critiques of kingship. Pride was a vice of mankind which caused him to break God's moral law. Deodati's analysis of the Geneva Bible cited pride as the driving force behind Cain's iniquity. It could also afflict whole nations, for he wrote in his analysis of the Book of Isaiah, that God had offered the promise of grace to all nations, "save only the Babylonians: who by reason of their pride, and mercilesse persecuting of the Church, did beare the Image of the Kingdome of the World, Antichrist, and his faction, condemned together with the Devill who is head thereof to everlasting perdition."³

2. William Baldwin, A Myrrour for Magistrates. wherein maye be seen by Example of Other, with Howe Grevous Plages Vices are Punished: and Howe Frayle and Unstable Worldly Prosperity is Founde, even of those whom Fortune seemeth most Highly to favour, 1563 ed, London, for Thomas Marshe, fol.xvi

3. Deodati, Commentaries, op.cit. "Argument upon Isaiah", p.448

Though all men were guilty of pride, the nature of the office of king provided the conditions in which the king's pride was inflated. He was surrounded by flatterers and the pomp and importance of his office was an encouragement to abuse the trust involved in accepting such a position. It was pride which swelled the vanity of kings and caused them to conquer, go to war, oppress, and rule by their own prerogative and not according to the law. Pride was therefore a description of a heroic king and the reason why that heroicism had a tendency to become unbalanced and to tip over into tyranny. Pride encouraged the king to consider himself superior to his fellows and supposedly 'justified' his oppression. It was part of the nature of man, and that which distinguished him from other animals, that whilst his virtues emphasised his proximity to God, his vices brutalised him. Hence, if it was pride which motivated the king's desire to arm himself, it resulted in tyrannical conquest. Therefore, for Cooke, conquest was a title for wolves and bears, but not for mankind. As Fulke Greville wrote in 1633, "as men's vices beasts' chief virtues are, / So be the shames of Peace the pride of Warre".⁴

There is a similar tension concerning pride as that previously outlined concerning conquest. We have seen that there was a general agreement that the Norman Conquest was

4. The Works in Verse and Prose Complete of the Right Honourable Fulke Greville, Lord Brooke, ed. Rev. A. B. Grosart, 4 vols. (Blackburn 1870) ii, p. 105, 'A Treatise of Warres', verse 7.

unjustified, but some disagreement over whether all conquest was wrong, or whether military might could be justified by the justness of the cause and the godliness of the conquerors. In the same way, there was general agreement amongst those who desired to prosecute Charles that he had been guilty of a pride which had caused him to overstep the bounds of monarchical power. However, there was one interpretation which held that Charles was burdened with pride because he was a particularly iniquitous individual, and another interpretation which maintained that all mankind was guilty of sin, including pride, and that Charles could not be held personally responsible for the sinful effects of an iniquitous position of power.

If the vice of kings was pride, it was encouraged by the follies both of the people and of the kings themselves. It was a mutual, if ungodly, relationship in which the people were apt to flatter the vanity of monarchs and the monarch's vanity inflated his or her pride. This relationship between ruler and ruled was a distortion of the ideal in which government and governed coexisted in mutual trust and loyalty. Either the pride of the monarch or the flattery of the people caused the king to step outside this ideal relationship which, in the light of ancient constitutionalism, was regarded as traditional. Ancient constitutionalism, in this sense, held that there had been, in a forgotten past, an ideal relationship between

government and governed which reflected the harmony of ancient society. When a precedent was cited, it tended to be grounded in the pre-Conquest society of the Saxons.

The analysis of this distortion of the mutual bond between king and people led to two linked, but independent, critiques of kingship; one related to the king's vice and one to the vice of the people. When taken together, they illustrated a situation in which the ideal balance between ruler and subjects had become 'top heavy'. One critique argued that the scales had become too heavy on the King's side, leading to tyranny, and the other argued that the scales had become too light on the King's side, leading many to believe that kingship had become superficial and valueless.

The starting-point for the first critique was that kings in general and Charles Stuart in particular were guilty of pride. When John Cooke was searching for a phrase to sum up the 'crimes' and the temperament of the King on trial, he described Charles as a man who had, "spent all his days in unmeasurable pride"⁵. 'Pride' was not the only term used to describe the same phenomenon. Occasionally, it would be expressed as ambition or a lust for power.

5. Howell, State Trials iv. 1044

The reason for Charles' pride was his failure to subject his personal will to the will of God. The corollary to government by will was government by conscience, a key distinction throughout Medieval and Renaissance thought. It was a prerequisite for the Saints to be receptive to the will of God, that they suppressed their own, fleshly will, and were humble and passive, allowing the way of the Lord to be expressed through them. Any expression of their own will would block the reception of the Lord's message: their actions would consequently be earthly and evil. Charles' feelings of superiority and vain-glory pushed him into promoting his own, private designs at the expense of the godly interest of the people. The scales of power, which balanced the interests of order and government against the interests of the people, had tipped in favour of the King. In order to re-establish 'balance', it was necessary to view the interest, or will, of an individual as equal to that of the whole nation.

The oppressive power of the will expressed itself in two ways. It was as a result of Charles' inflated will that he tried to 'lord' it over his subjects, but it also made him act 'wilfully'. In other words, he was perfectly cognisant that he was acting against God's precepts. To act according to the will was to deliberately overstep the bounds of the law.

The republican propagandists of the 1640s and 50s used 'the will' as a generic term to encompass autocratic power, tyranny or the exercise of prerogative. This involved a crude redefinition of prerogative to mean any action which had not been previously sanctioned by statute. A prerogative was therefore something which Charles decided by his own will and without the approval or participation of the representative channels. According to Robinson, "either (Charles) must rule by his own will, and then he is a profest Tyrant, or else by Counsel of his Parliament and Publique Senators"⁶. Cromwell believed the New Model had been directed by God to subdue, "those who have and would inslave both body and soul to their wils"⁷. A tyrant, therefore, was one who acted according to his personal will, and not in the interests of the public. The exercise of will by an individual was considered sinfulness in itself. Parliament and Army claimed to be the Saints, acting on behalf of the godly people. Individual will therefore came to be seen as the whole *raison d'etre* of Charles' rule, and often of all kings. Consequently, Charles was proved to be sinful by nature, as were monarchs in general. According to Milton, it was an affront for Charles to claim to act with reason, and that, "the judgement of one man, not as a

6. (Henry Robinson?), A Short Discourse between Monarchical and Aristocratical Government, Th. 24 Oct., 1649, E575(31), p. 13

7. The Declaration of Lieutenant Generall Cromwell concerning the Citizens of London, Th. 18 Aug., 1648, E459(24) p. 2

wise or good man, but as a King, and oft times a wilfull, proud, and wicked King, should outweigh the prudence, and all the vertue of an elected Parliament"⁸. The whole war, according to Cooke was, "merely and only for the satisfying and fulfilling of one man's sinful lust and wicked will"⁹.

The arbitrariness of rule by the will meant that the government was dependant on what one man was 'willing' or 'unwilling' to grant. Hence Milton did not think that Charles deserved praise for passing the Bill for a triennial Parliament, because it was, "unwillingly granted"¹⁰. Cooke believed that he was unwilling to declare against the rebels in Ireland: the proclamations against them were, "wrung out of him by force...Murdering the Protestants was so acceptable to him!"¹¹. He was also unwilling to help the French Protestants. In other words, he was willing to help those whose cause was evil, and unwilling to help the godly. Charles' reign was depicted as an inversion of all that was proper and good.

This critique of wilfulness, however, also undermined the evil counsellors theory. Whilst it was possible to claim that Charles was unaware of the evil actions of his

8. John Milton, "Eikonoclastes", in M.Y. Hughes (ed), Complete Prose Works of John Milton (Yale 1970) vol.iii, p.409

9. Howell, State Trials iv, 1019

10. Milton, Eikonoclastes op.cit. p.401

11. Howell, State Trials iv, 1037

advisers, or was deliberately misled by them, his own personal innocence could be maintained. Consequently, it could be claimed, that Charles had not willingly sanctioned evil actions; in other words, he had not knowingly sinned. In an attempt to give the impression that those who were prosecuting the King had given him every benefit of the doubt, as indeed, they very often had, they claimed to have believed the 'evil counsellors' theory until the sheer weight of evidence against Charles made its continuation untenable. This line was taken by John Cooke, who stated in his trial pamphlet, "I confess that for many years I was of that opinion, and thought that the king was seduced by evil counsel"¹². However, after the King's letters had been recovered at Naseby, Cooke, "ever thought him principal in all transactions of state"¹³. It was this revelation, over several years, that Charles had not only been aware of the evil that was being practised in his name, but had personally sanctioned it, which led to the calls for Charles' trial. He was the principal author of the war - the man of blood.

If to be godly meant to suppress personal will, then Charles, in allowing his personal will to intrude upon the will of God, had denied God Himself. As God granted the Saints his grace, so Charles' will denied him grace. Grace

12, Ibid, iv, 1041

13, Ibid, iv, 1042

was something which was freely given. It could not be pushed, or forced or earned. The language of kings had, however, incorporated a kind of grace within it. The king's grace was the authority to confer honours and approve Bills. The prosecution therefore attacked this power of kingly grace and declared it to be almost blasphemous. The king's grace was mimicking the power of God, or assuming powers to which only God had the right. Referring to Charles' conscious manipulation of events, Cooke maintained that,

He had more learning and dexterity in state affairs undoubtedly, than all the kings in Christendom: If he had had grace answerable to his strong parts, he had been another Solomon: but his wit and knowledge proved like a sword in a madman's hand; he was a stranger to the work of grace and the spirit of God...¹⁴

Cooke parodied the King's pretensions to grace. Charles demanded to be known as, "'Gracious Majesty', though gracious men be the chief objects of his hatred'¹⁵". Of the Acts granted by Charles to the Long Parliament, he chided,

Had we not a gracious king to call a parliament when there was so much need of it, and to pass so many gracious acts to put down the Star-Chamber, &c.? Nothing less; it was not any voluntary free act of Grace, not the least ingredient or tincture of love or good affection to the people, that called the short parliament in 1640, but to serve his own turn against the Scots...and those seven Acts of Grace which the king passed, were no more than his duty to do.¹⁶

14. Ibid, iv, 1042

15. Ibid, iv, 1034

16. Ibid, iv, 1025

For Charles to claim to bestow acts of grace was to ape the power of God, as Milton vividly stated in *Eikonoclastes*.

Yet he complains (Charles' statements on the role of the mob in pressurising for the reforms of 1640-1), 'That the tumults threatn'd to abuse all acts of grace and turne them into wantonness'. I would they had turn'd his wantonness into the grace of not abusing Scripture. Was this becomming(sic) such a Saint as they would make him, to adulterate those Sacred words from the grace of God to the acts of his own grace? Herod was eat'n up of Wormes for suffering others to compare his voice to the voice of God; but the Borrower of this phrase gives much more cause of jealousie that he likn'd his acts of grace to the acts of Gods grace¹⁷

It was blasphemous for any man to claim the powers which rightly belonged to God, even more obviously in the case of Charles Stuart, who had proven himself an evil man. For Charles to claim these powers was the evidence that the Saints needed that Charles had overstepped the bounds of human and moral law. Charles was claiming to be a God. Hence Milton's reproof that, "he twitts them with his Acts of grace; proud, and unself-knowing words in the mouth of any king, who affects not to be a God."¹⁸ Cooke maintained that the prerogatives which Charles had claimed gave him, "vast, immense, precipitating power...[a] God-like state¹⁹".

It cannot be denied (he continued), but that he hath spent all his days in unmeasurable pride; that during his whole reign he hath deputed himself as a God, been depended upon, and adored as God; that he hath challenged and assumed an omnipotent power, an earthly omnipotence, that with the breath of his mouth hath dissolved parliaments...²⁰

17. Milton, "Eikonoclastes", Hughes op.cit. p.404

18. Ibid. p.435

19. Howell, State Trials iv. 1030

20. Ibid. iv. 1043

The first line of criticism of kings was therefore that Charles Stuart had claimed god-like powers by assuming prerogatives which the law, neither human nor moral, did not grant to kings. This was a fault of kings themselves: their descent from the reprobate predisposed them to evil. The critique began with the king's pride, which caused him to rule according to his will, which led him to deny God's grace. There was another critique, however. Kings could only act evilly because the people tolerated and even encouraged their evil behaviour. An analysis of the people's folly produced a critique which ran parallel to the critique of the King's pride. If the sin of kings was pride and vain-glory, it was fuelled by the people's flattery. Such flattery was demonstrated in ceremony, but this ceremonial was considered both superficial and artificial and consequently, worthless.

The literature of the Italian Renaissance provided a wealth of advice on how to flatter one's lord. Guiccardini, in the *Ricordi* of 1530, announced that he had previously scoffed at manners, but could see now that they lent dignity and reputation to men. Castiglione's courtier pursued mere shadows of virtue in order to cozen his lord. The Renaissance courtier had to be a master of *spezzatura*, that is, of making artifice seem natural.²¹ The art was to

21. See, John L. Livesay, Stefano Guazzo and the English Renaissance 1575-1675 (N. Carolina 1961) and R. W. Hanning and D. Rosand (eds) Castiglione: The Ideal and the Real in Renaissance Culture (Yale 1983) esp. pp. 17-28

flatter subtly, in order not to appear obviously fawning, thereby making oneself all the more likely to be offered employment. The courtier had to hide the betrayal of virtue behind a mask of seeming virtue.

In poetic form, William Baldwin in *A Mirror for Magistrates* described it through the mouthpiece of an 'evil' King. Richard II addressed his audience thus:

I am a Kynge that ruled all by lust,
That forced not of vertue, right, or lawe,
But alway put false flatterers most in trust,
Ensuing such as could my vices clawe.²²

This flattery was particularly prevalent at court, where it was a way to gain favour and preferment. It was often attacked, and not necessarily from a specifically 'puritan' viewpoint. According to Izaak Walton, George Herbert confided that away from the court he could see that it was made up of, "fraude and titles, and flattery, and many other such empty, painted pleasures".²³ Flattery had always been considered the handmaiden of pride. Lord Brooke summed up his poetic treatise on kingship:

Thus have we view'd the spirit of Government,
Shew'd both her ends, and errors in some kinds,
And by comparing yet made excellent
This brave Imperial Monarchy of minds,
Not making Tyrants Gods to unmake kings
With flattering air for over-soaring wings.²⁴

22. Baldwin, *Mirroir for Magistrates*, xvii

23. Graham Parry, *The Golden Age restor'd: The Culture of the Stuart Court 1603-1642* (Manchester 1981) p.243, quoted from Walton's 'Lives'.

24. Fulke Greville, Lord Brooke, *The remains of Sir Fulk Greville, Lord Brooke: being poems of monarchy and religion*, written around 1633, first published 1670, verse 661, p.165

The courtiers of James and Charles were not necessarily always subtle. They engaged in hyperbole, in part encouraged by Charles' conceit of the heroic king. It was a role which encouraged grand gestures. Carew and Jones' masque, *Coelum Britannicum* contained a figure representing the 'glory of princes'.²⁵ The masque produced by the Inns of Court was reputedly a veiled criticism of the power which Charles was seeking to exercise. Nevertheless, Charles was told, the "children of your Raigne", "have no forme, no sunne, no shade, / But what your vertue doth create, / Exalted by your glorious fate".²⁶

These masques and court entertainments were following traditional conceits, and as such, did not differ widely from those which had been performed for James or Elizabeth. The criticism during Charles' reign was two-fold. Critics claimed that in the light of the evidence, the hyperbole about Charles' virtue, was clearly lies. Charles had proved neither heroic, nor virtuous. Secondly, as an artificial conceit, it was wrong in itself. It was literally a mask, a deceit which hid the true meaning of godly virtue. Henry Marten believed that even the Parliament had been duped by the prospect of glitter and wealth at court. He maintained that the Presbyterian-dominated Parliament was willing to

25. Thomas Carew and Inigo Jones, Coelum Britannicum: A Maske at Whitehall in the Banqueting House 18 Feb., 1634, printed London 1651

26. Sybil Rosenfield, (gen. ed.), A Booke of Masques (Cambridge 1967), Thomas Middleton, "The Inner Temple Masque or the Masque of Heroes", 1619, ed. R. C. Bald pp. 251-274

treat with Charles in 1647 because they had been debauched by the prospect of the "sugar-plums" and "bug-bears" of the court.²⁷

The basis for this attack on formality and ceremonial was grounded in the division of the Old Testament into the Moral, Judicial and Ceremonial Law. Though the Moral and Judicial Law were still considered of value under the Gospel, those things which were justified solely by their inclusion in the Ceremonial Law would be swept away with the coming of Christ. The religiously motivated opposition to Charles saw the growing corruption of the earth reflected in the proliferation of rituals and ceremonies which diverted the minds of the people from God. If they were to recreate the liberating effect of Christ's coming, they too had to sweep away ceremonial. The most active in his use of the concept of Ceremonial Law was John Cooke. In his defence of his profession, the law, in 1647, he declared that it was only the Ceremonial Law which he 'struck at'.²⁸ In his post-execution justification of republicanism, *Monarchy No Creature of God's Making*, he justified his opposition to monarchy in terms of an attack on "Ceremoniall and Circumstantiall formes"²⁹. The same phenomenon was

27. Henry Marten, The Parliament Proceedings Justified Th, 7 Feb., 1647(8), E426(2) p. 16

28. John Cooke, The Vindication of the Professors and Profession of the Law, Th, 6 Feb., 1646(7), p. 82

29. John Cooke, Monarchy No Creature of God's Making, (Waterford and London 1652) Th, 26 Feb., 1651(2), E1238(1), e3

expressed in terms of an opposition to 'form', 'formality', or 'custom'. Custom was a particularly interesting reference in this respect, which increasingly came to mean a worthless and superficial accretion to the law, and therefore an insufficient basis on which to found a tradition or precedent. Its use was to attack monarchy's position within the fundamental constitution; by implying that it was incidental to it, it made kingship appear worthless.

The term which was usually used to describe this worthlessness was, 'cipher', meaning, in this sense, 'nothing' or 'nought'. An example of its use, in a rather ironic sense, is provided by John Cooke in *King Charles his Case*. Cooke derided Charles' "mock" Parliament in Oxford, because it was powerless and therefore, valueless. It was valueless because the representatives of the people had no authority within it, "where the king's consent must be the figure, and the representative stand for a cypher"³⁰. However, it was usually the king who was the cipher. Without the power to make laws, amend laws, or veto laws, it was difficult to establish whether Charles had any power or authority at all. According to the author of, *A Short Discourse between Monarchical and Aristocratical Government*, who was believed to have been Henry Robinson:

we shall find that Kings are but meer chargeable Ceremonies, or Ciphers, of

30. Howell, State Trials iv, 1028

little use but to contract humors, and promote personal designs destructive to the being, and well-being of Commonwealths; for they neither are executioners of justice themselves, nay, scarce (many times) Counsellors, nor do any special or publique work; and yet for meer custom and formalities sake we must have one man adored, having a supreme power invested in him, and be maintained in the greatest State, and Glory, meerly to sit still and have the best, the wisest, the most faithful, and gallant instruments bow down, and rejoyce, but to kiss his hand.³¹

John Milton graphically expressed the same sentiment. To retain the King would be preserving, "the mere useless bulke of his person"³². Cooke drew attention to the tension between the tyrannical power of the king and the worthlessness of his authority. In *Monarchy No Creature of Gods Making*, he argued,

I heare many wise men speake of making peace with the King and tyeing him so close to his Lawes, that he should not be able to hurt the people; I thought it was but a kind of dissimulation to make people beyond Sea thinke him to be a great King, and yet in effect to make him stand but for a cypher.³³

Monarchy No Creature of Gods Making, was written in 1652, and therefore, Cooke was applying the same theories to the possible accommodation which was being canvassed with Charles I's son.

Since the attack on ceremonial had biblical roots, the radicals needed to challenge its use by the Israelites.

31. Robinson, *A Short Discourse*, p.14

32. Hughes (ed) *Complete Works*, "The Tenure of Kings and Magistrates", iii, p.190

33. Cooke, *Monarchy No Creature*, p.129

Ceremony was an integral part of all of those religions which flourished in ancient Judah. There was a high degree of ritual in the worship of Yahweh. As with most of the critiques of monarchy, therefore, its force also largely depended on the worth of the object of the ceremony. Hence, as outlined in the previous chapter, the soldiers of the New Model had spoken of sacrifices to false gods, and the legitimate sacrifice of Charles. What distinguished 'good' ritual from 'bad' was the object of veneration.

It was in this aspect that the two parallel strands of criticism, ceased running parallel with each other, and overlapped. The first, the premise for which was the King's pride, criticised the monarch's pretensions to power. The second, starting from the flattery of others, resulted in the abuse of ceremonial forms. The common link between the two was idolatry. Charles had tried to force the consciences of his people by promoting the worship of superstitious idols in the episcopalian church. He had demanded that people worship him like an idol because of his semi-divine, arbitrary power. The people had been all too ready to idolise him. The two strands, worked together, can be found in *Regall Tyranny Discovered*:

But if any man should so dote upon those Pageanns, Tyrants, Kings, the supposed annointed of the Lord, as yet to think it sufficient to prove that not onely the present King Charles, his own acknowledgement and confession will be of force sufficient to pull all Scales of blind-

nesse from their eyes...³⁴

The same soldiers who had called on the support of those who had not bowed their knee to the worship of Baal, asked,

why make an Idoll of him, and beare him up
so high in the eyes and fancies of the
people, as if he were in their esteem...
Oh shame of man! Oh sin against God! What,
to doe thus to a man of blood...³⁵

The false religion which had Charles as its false object of veneration was not confined to parallels from the Bible. A supporter of Thomas Challoner, in 1646, had called for an end to, "King craft, Clergy craft, and Court craft"³⁶, and though it was never explicitly stated, the power which kings had to charm, dazzle and delude appeared to the superstitious, seventeenth-century mind, like witchcraft. Cooke claimed that virtuous kings were like white witches. Good kings, were, "like those which we call good witches, that seem to cure one that they may without suspicion bewitch twenty"³⁷. In other words, the people were bewitched by the King's seeming virtue. By the end of the pamphlet, however, Cooke was describing a good king as a "white devill"³⁸. The white devil was a recognised term for one who dressed in white to disguise evil. This was often used to describe the Pharisees, who denied that Christ was the true

34. Regall Tyranny Discovered, Th, 6 Jan., 1646(7), E370(12), p, 39

35. A Cal to all the Souldiers of the Armie, Th, 29 Oct., 1647, E412(10), p. 5
(see also p, 6)

36. A Corrector to a Speech without Doores, Th, ? Nov., 1646, E344(9), p, 7

37. Cooke, Monarchy No Creature preface

38. Ibid, p, 88

prophet, their minds were so closed by their strict adherence to form and custom. Thus, by claiming to be practising the true faith, they were, in fact, closing their minds to the true faith. They were hypocrits. Milton described the hypocrisy of Charles' leniency towards the Irish rebels:

If this his Sermon of affected mercy were not too Pharisaical, how could he permit himself to cause the slaughter of so many thousands here in England for meer Prerogatives, the Toyes and Gewgaws of his Crown, for Copes and Surplices, the Trinkets of his Priests, and not perceave his <own> zeale, while he taxes others, to be most preposterous and unevangelical.³⁹

As might be expected, the most vivid exposition of these ideas was in Milton's *Eikonoclastes*. The depiction of Charles as a saint-like martyr on the frontispiece of his *Eikon Basilike*, merely encouraged the critique of Charles as a false idol which was already deeply rooted prior to his execution.

Much he prophesies (Milton wrote of Charles), 'that the credit of those men who have cast black scandals on him ere long be quite blasted by the same furnace of popular obloquie wherein they sought to cast his name and honour': I believe not that a Romish gilded Portrature(sic) gives better Oracle then a babylonish gold'n Image could doe, to tell us truely who heated the Furnace of obloquy, or who deserves to be thrown in, Nebuchadnezzar or the three Kingdoms.⁴⁰

He summed up the effect of the end of kingship thus:

39. Milton, *Eikonoclastes*, in Hughes, op.cit. p.481

40. Ibid, p.498

to catch the worthless approbation of an inconstant, irrational, and Image-doting rabble; (that like a credulous and hapless herd, begott'n to servility, and enchanted with these popular institutes of Tyranny, subscrib'd with a new device of the Kings Picture at his praiers, hold out both thir eares with such delight and ravishment to be stigmatiz'd and board through in witness of thir own voluntary and beloved baseness.) The rest, whom perhaps ignorance without malice, or some error, less than fatal, hath for the time misledd, on this side Sorcery and obduration, may find the grace and good guidance to bethink themselves and recover.⁴¹

Milton, as is obvious from that example, was at the forefront of those who blamed the ignorance of the people for the delusions of the monarch. In part, this was a reworking of the traditional belief that evil monarchs were a punishment for the sins of the people. However, Milton did not suggest that the people had consciously sinned, in the sense that the King was said to have knowingly committed evil. Milton's claim was that the people were dazzled by the pomp and allowed the King to abuse his high office.

Ironically, these two strands of thought started from opposite premises. The former, that which claimed the pride of kings puffed up their pretensions to godlikeness, and led them into arbitrary and tyrannical rule, argued that the king had too great a power. The latter, that kingship's role was purely ceremonial, argued that the king had no

41. Ibid. p.601

power, or perhaps, authority. In fact, the latter was a corollary of the former. The circumstances of the attack on Charles which had been gaining momentum throughout the 1640s meant that the second critique developed from the former. As Parliament assumed more and more of the privileges that had previously been the king's prerogative, they were forced, because of the war situation, to exercise the king's authority. The role which was left to the King should he be restored by a treaty, was consequently, reduced. This was especially the case during 1647, with the beginnings of the debate on a Vote of No Addresses. With this debate, and the associated discussion of a Personal Treaty, the whole essence of the war was redefined. It was now portrayed as the individual king versus the whole of the people and their representatives. Once it had been decided that the peace should be settled without reference to the King, it had proved possible, *de facto*, for government to operate efficiently, and it was claimed, with more godliness, without any personal power for the King. As such, his only remaining function was ceremonial, and in view of the belief that this was a mask for evil, and encouraged idolatry among the people, there was an increasingly strong argument for not restoring the position of the king at all. This is not to say that the latter critique had not be present, prior to the debate on the Vote of No Addresses. Indeed, as it was a more traditional critique, and that of the tyrannical king had only emerged towards the end of the war, it could be

maintained that the ceremonial critique of monarchy lay beneath the surface even during the height of the New Model's personal attack on the King.

The critique which castigated the evil kings of the Bible tended to be one which was applied personally to Charles Stuart. This was partially as a result of circumstances. It was particularly relevant during 1648 and therefore applied to a situation in which the failure of all other forms of peace settlement had thrown the weight of public hopes or public condemnation on the person of the King. However, this was not necessarily a republican critique, though it was frequently used for effect by republicans such as Henry Marten. Although republicans used the theory, it was much more likely to be pursued by Army regiments and, for example, by John Cooke in his prosecution address, in which he specifically wanted to prove crimes by Charles Stuart, rather than demonstrating a more general principle which would apply to all kings.

Though it was possible to say that all kings were like Agag, for example, there were two reasons why this was seldom done. Firstly, it was difficult to prove that Henry VI or Queen Elizabeth had acted like Agag - it was demonstrably not the case. Secondly, the cases of Agag and Nebuchadnezzar related to individual biblical characters, and it was therefore more fitting that the parallels should

be applied to an individual English king. Even the parallel between Babylonian and Norman tyranny did not prove the case that an English king from outside the Norman dynasty would still exercise tyranny.

The Medieval system of virtues described here had a more widespread application. The reason for this was simple. It was a critique of all mankind. Though particular vices might be the burden of similar groups of people, avarice for the clergy and pride for kings, it was possible for a peasant to be proud if that meant wilfully hardening his heart against the grace of God. Certain sections of the community were more prone to certain sins because of the particular temptations of their office. Since monks were supposed to abandon their wealth, and live a chaste life, they were more tempted by lust and avarice than others. Since kings were entrusted with single-person rule, they were more liable to succumb to pride and to endeavour to overstep the boundaries of the office which they had been given. Francis Osborne, believed that it had proved impossible to "manacle" power in one person, and,

the childish Love the Common people beare
the gaudy person of a king, gives occasion
to beleeve, that popular Governments are
rather results of Princes disorders...
Fulnes of bread, that inclines a people to
Idolatry, makes them proud and wanton, as
to think any of their own body too mean to
Governe...⁴²

42. (Francis Osborne), A Perswasive to a Mutuall Compliance under the Present Government. Together with a Plea for a Free State, Th. 18 Feb., 1652, pp. 22 and 24

Since it was natural for a king to exceed his powers as it was natural for the people to idolise a king, a Commonwealth would avoid both of these faults. Cooke, after ironically praising the 'senators' of the Commonwealth who had introduced the Act abolishing kingship, claimed that it was an act of humility. It was the only law, above all other law, Cooke claimed, for it meant that a free people could not subject themselves to any mortal man.⁴³ If Adam had not sinned, he continued, all the world would have been governed by English common law. Joseph Warr, who wrote, *The Priviledges of the People*, published almost immediately after Charles' execution, argued that prerogative was,

a *Tuber or exuberance* growing from the stock of the *Commonwealth*, partly through the weaknes and indulgence of People to their *Kings and Rulers*...and partly through the *ambition and lust of Princes* themselves.⁴⁴

However, Warr warned that it was possible for the Commonwealth government to be tyrannical, "for Man being naturally of an aspiring temper".

It is difficult to find a single, coherent statement of the principles outlined here. As with the majority of these theories, they were illogically expressed, and depended on the current political climate. However, there was one

43. Cooke, *Monarchy No Creature*, epistle dedicatory

44. Joseph Warr, *The Priviledges of the People*, Th. 5 Feb., 1648(9), E341(12), p.1

statement which outlined all of these theories. It was not necessarily fully supportive of the new regime, for it warned it of the dangers of falling prey to the same sins as the King. It was printed and published in Rotterdam, in August 1649, but despite its origin in exile, it came from a radical sectarian, rather than one who had been driven abroad through his hostility to the state.

The author of *Tyranipocrit Discovered*, specifically criticised the use of the Decalogue in punishing sin:

But tell me thou proposterous world if thou
canst, who hath taught thee to punish the
transgressions of the second Table of Gods
Commandements more then the first?⁴⁵

The sins which were unpardonable, continued the author, were those committed against God's nature, and not against God's law. The reason why these were sins against God's nature, was because man could choose whether to sin against God. There were those men who loved sin so much that they could not be saved. The author denied the predestinarianism which shaped the thinking of the majority of the lesser officers in the New Model. If their critique of Charles condemned him for being one of the reprobate, the author of *Tyranipocrit* went further. Charles had deliberately chosen to sin, for, "God gave unto man a free power, which wee call *will*"⁴⁶.

45. *Tyranipocrit Discovered with his Wiles, wherewith he vanquiseth*, Th. 14 Aug., 1649, E569(5), "Written and printed to animate better Artists to pursue that Monster, Rotterdam 1649", p. 7

46. *Ibid.*, p. 8

This free will made sinners dangerous, for it gave them a kind of worldly cunning. This cunning was often expressed in their hypocrisy. The author of *Tyrannipocrit*, as well as John Cooke, described a tyrant as a "white devil". It was this reason which led tyrants to reject God; "if wee rightly consider, wee shall find that tyrants, although they want grace, yet they have a kind of impious reason"⁴⁷. In God's esteem, "there is no sinne, but an evill will"⁴⁸, and, "all impious sinnes, are wilfull sinnes, and that pride, rittlyranny, hypocrisie, &c. are wilfull sinnes"⁴⁹.

Within the critique of pride and hypocrisy, was a further critique of ceremonial. Kings were proud, "and live in wealth and pomp"⁵⁰. With the reign of Christ on earth, in other words, the blossoming forth of Christ within the hearts of all men, there would be no need for those customary laws and offices whereby morality and Christian observance was imposed and maintained. For the author believed:

In the power of God in Christ, every man should be a King, and a Priest, and then what need is there of ceremoniall Kings and Priests, but if wee must have any, let them be such as may teach us by their own examples to practise pietie.⁵¹

47. Ibid. p. 14

48. Ibid. p. 41

49. Ibid. p. 29

50. Ibid. p. 56

51. As above

Kings became useless in the new commonwealth: "now if men maintain justice, Kings were needlesse, and lawes were superfluous"⁵². There was a veiled criticism of the tendency of the Commonwealth to adopt the same worldly glory as the kings, for they were, "worthy Senators...which made the great Court of Parliament, you which do pretend to redresse the grievances of them, which are oppressed through tyranny"⁵³.

The most striking element in *Tyranipocrit*, was the reluctance of the author to attach the sort of retributive punishment to individuals that had been sanctioned by the New Model.

O Charles Rex, late King of tyrannical,
proud, slavish, and miserable England, (cried
the author, attaching the blame to the whole
nation, rather than the King) I am sorry
because they kil'd thee, when they had
conquered thee, yet by this example other
Kings may know that they are not Lords, but
subject to the Law.⁵⁴

This form of republican critique attacked the nature of principles, which were felt to be entirely separable from the persons holding those principles. Hence, *Tyranipocrit* attacked tyranny but not tyrants. The author claimed he had not, "written anything, through hate to any person; for I doe not hate Tyrants, but their Tyrannie"⁵⁵. Furthermore, he

53. Ibid. p.47

54. Ibid. p.54

55. Ibid. p.42

counselled that, "if the Kings Judges did hate his person (Charles), more then his evill practises, then they have hurt themselves more then him."⁵⁶ Nevertheless, the author believed that those wilful sins were more likely to be expressed by someone who was entrusted with the power and authority of kingship:

O cursed partiallity, how many friends thou hast...make pride, tyranny, and such like evils to bee sinne, or no sinne, if it bee no sinne, then teach poore men to bee rich and proud, but if it be sinne, then tell Kings, Princes, and Prelates, and such like persons, that pride, tyranny, hypocrisie, &c. are sinnes in them, and that in them such sinnes are more displeasing to God, then they are in meaner persons...⁵⁷

The critique outlined in the previous chapter was a critique of the *actions* of kings, and in particular, the actions of Charles Stuart. It was for this reason that it was of particular value in the prosecution. Because the trial was claiming Charles had broken laws, albeit moral laws, it was necessary to prove that his actions were sinful. The prosecution may have been making a moral case, but Charles was still being tried in a court of law, and it was necessary to prove that Charles had, in fact, broken a law. The critique outlined here was a critique of *character* rather than actions. Though actions related to specific cases, character was unchanging. Since the same sins were

56. Ibid, p.55

57. Ibid, p.27

almost bound to reoccur in succeeding monarchies, it proved a far more damaging critique of monarchy as an institution. This is not to say that it did not carry with it arguments which could backfire if used against a republican government. The examples quoted here exemplify that it contained within it a mistrust and often a contempt for the people's ability to govern themselves. It was not only a criticism of kingly pride, but also of common ignorance. This led to two problems. As Milton was to show with his support for Cromwell in 1653, if it could be proved that a ruler had good intentions, and could demonstrate a godly form of rule to the people, the way was again opened for single-person rule. Provided this avoided the traps of gaudy ceremonial and show, the Cromwellians maintained, it would not degenerate in the way that monarchy had done. The second problem to beset the Commonwealth was that as soon as they assumed power themselves, they left themselves open to the same criticisms that had been levelled at monarchy, for they too were liable to pride. The first of these criticisms of the Commonwealth largely falls outside the remit of this study. The second, however, was to form a major attack on the motives and policies of the Commonwealth from those who had been their allies prior to 1649. They had approved the statements which emanated from soldiers and parliamentarians, that their aim was to end oppression and ungodliness. However, their support turned to opposition

when they considered that the new government was prey to the same sins as the old.

Their work as a result, was, in the first place, to
were judged according to the guidelines of the 17th century
by reference to the 17th century ideal, and the 17th century
judged according to the same ideal, which, though in historical
terms, all individuals were interested in the history of the
fall from grace in 17th century. When these two systems were applied
to kingship in general, and to the kingship of Charles Stuart
in particular, they formed the basis of an analysis of
'balance' in the constitution. The oppressiveness of Charles'
actions, and those of his ancestors, combined with the
temptations of the office of king, had produced a situation in
which he had too great a power over his people, as the scales
of power tipped in his direction. As Parliament assumed those
powers, under the stress of war, it was recognized that the
only function which appertained solely to Charles as an
individual, was his ceremonial role. When analysed, this role
was found to be both inadequate to justify the king's
continuing role within the constitution, and damaging to the
ability of the people to govern themselves according to duly
enacted laws.

CHAPTER 4: "Regicide and Republicanism".

Actions, such as conquest, war, or the pursuit of power were judged according to the godliness of the actor measured by adherence to the Judaic moral code. Man's character was judged according to the seven deadly sins, though in biblical terms, all individuals were inherently sinful because of the fall from grace in Eden. When these two systems were applied to kingship in general, and to the kingship of Charles Stuart in particular, they formed the basis of an analysis of 'balance' in the constitution. The oppressiveness of Charles' actions, and those of his ancestors, combined with the temptations of the office of king, had produced a situation in which he had too great a power over his people, as the scales of power tipped in his direction. As Parliament assumed these powers, under the stresses of war, it was recognised that the only function which appertained solely to Charles as an individual, was his ceremonial role. When analysed, this role was found to be both inadequate to justify the King's continuing role within the constitution, and damaging to the ability of the people to govern themselves according to godly strictures.

It was the classic position of both Anglican royalists and Calvinists that the person and office of the ruler could not be separated, and that allegiance was due to both. They both took their position from Romans 13, which called on every Christian to, 'be subject unto the higher powers. For there is no power but of God: the powers that be are ordained by God'¹. Indeed, it was this chapter of Romans which transferred the injunction to obey the Decalogue from the Old to the New Testament². In fact, the authorised King James version of the Bible made no mention of the personal style of the ruler. It counselled obedience to all magistrates. Royalists believed that the divine sanction of the office was immediately devolved onto the person who exercised that office at the point at which he or she assumed the authority. In order to avoid periods of lawlessness between reigns, this was said to be on the death of the ruler's predecessor, though the sanctity, mystery and majesty of the sacred office was represented by and confirmed at the Coronation. At the assumption of the office, the person of the King was freed from sin by the grace of God which was conferred by the coronation.

1. Romans 13, 1-2

2. 'For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thy-self'. Romans 13,9.

The same text in the hands of Calvinists reached the same conclusion but by a different route. Calvin had taught of the justifiability of passive resistance to the civic authority if it knowingly went against God's precepts, but nevertheless believed in reverence towards the civic authorities, based on Romans 13. The gloss which Deodati³ provided to the same text in the Geneva Bible did not greatly differ from the interpretation of the Authorised version, though it provided an interesting exposition in itself.

The Apostle (Paul) here hath a relation onely to Gods order, and not to the most wicked vices and abuses of publicke power, which were brought in by men.⁴

The abuse of power was the fault of the sinfulness of men, Deodati claimed, but this was a sinfulness in all men and could not be considered the sole responsibility of the King. This meant that all men were responsible for the terror of kings, which did not dissolve their obedience to them, for their own sin provided the necessity for the terror of rule. As such, men, "must not hate [rulers] as hatefull persons"⁵. Though the royalist interpretation distanced the ruler from his or her subjects, it did not have the same sweeping

3, Deodati, Pious Annotations op.cit.

4, Ibid. See the notes on Romans 13,3

5, As above

consequences as the Calvinist interpretation. The Calvinist interpretation, in a sense, brought the King down to the same level as his subjects, charging them with being guilty of the same sins. However, as he was sinful as he was a man, his rule was divinely sanctioned as he was king. This interpretation did not divide the office from the person. It counselled stoicism on the part of citizens who had to suffer the tyrannous sins of the ruler as the price they paid for their own sinfulness.

It is a basic assumption behind this analysis that the moral state of the nation was indivisibly tied to the moral state of its rulers. In other words, the values which were considered morally important in an individual were the same as, or parallel to, those which would sustain the health of the nation. Either a bad king was a punishment for the sins of the people, or would lead the people into corruption and sin. Plato had described an inseparable and symbiotic relationship whereby the definition of a 'good citizen' was a 'good man', and the virtue of a state depended on the moral goodness of each individual member of it. In an hereditary monarchy, this theory came under certain tensions, for a ruler governed by virtue of family connections, and his or her goodness could not be guaranteed.

What was being debated was a question of public and private morality. Those who attacked Charles maintained that a ruler had to be a moral exemplar: there was no role for an evil man to exercise power or influence over all of the people. The distinction which was made between a 'bad man' and a 'bad king' is one which will be drawn out here. It reflected a series of other dichotomies, which in part helped to throw light on their distinction. They also illuminated the individual/corporate distinction which marked the boundaries of the moral code. To give some examples: the king alone was contrasted with 'the people'. The individual integrity of the ruler was measured against 'the contract' or bonds of trust amongst the people. The abstract was contrasted with the concrete; reality with the ideal form; the necessary with the superficial; the Moral with the Ceremonial; the fleshly with the spiritual. Finally, the person of a ruler was distinguished from his or her office. Put another way, the authority which was integral to an office was distinguished from the person who was exercising that office.

There is a tension here. Implying that a godly people needed a godly ruler, or that a godly ruler could ensure that the people were godly, also implied that the person and the office of the ruler, could not, or at least should not, be separated. However, to suggest that there could be such a

thing as an evil ruler, who ruled a godly people, logically presupposed that the two could be separated, as they had been in the case of Charles Stuart. The two arguments were to be important in the discussion on the future of the King, because the protagonists of the 1649 settlement were discussing not only the fate of the King, but the whole constitutional settlement of the kingdom.

The distinction between the King as a person, or the 'natural body', and the King as the representative of an office, described as his 'mystical body', was a commonplace one in Medieval thought. It was originally developed by secular rulers during the period in which the power of the head of state began to challenge that of the head of the Church. The authority of the Church and its officers was said to derive in some 'mystical' sense from God, through the Pope. It therefore became necessary for secular rulers to claim similar powers, if they were to assume similar authority. Ernst Kantorowicz has made the only detailed study of the distinction between the authority of the secular office and of the person holding that office in The King's Two Bodies.⁶ Kantorowicz, however, looked primarily at the Medieval applications of the theory, and particularly in the Holy Roman Empire.

6. Ernst H. Kantorowicz, The King's Two Bodies: A Study in Medieval Political Theology (Princeton, New Jersey, 1957).

As an example of the use of "two bodies" theory, Kantorowicz quoted Plowden. Plowden stated:

that by the Common Law no Act which the King does as King, shall be defeated by his Nonage. For the King has in him two Bodies, viz., a Body natural, and a body politic. His body natural...is a Body mortal, subject to the Infirmities that come by Nature and Accident, to the Imbecility of Infancy or old Age, and to the like defects that happen to the natural Bodies of other People. But his Body politic is a Body that cannot be seen or handled, consisting of Policy and Government, and constituted for the Direction of the People, and the Management of the public weal, and this Body is utterly void of Infancy, and old Age, and other natural Defects and Imbecilities, which the Body natural is subject to, and for this Cause, what the King does in his Body politic, cannot be invalidated or frustrated by any Disability in his natural Body.⁷

The body politic was that which contained within it the 'majesty', dignity, and political power of the King. The natural body was as 'natural' as the body of any person in the realm. Kings died, and their powers were sometimes said to be in "demise" between the death of one ruler and the coronation of a successor. It was also the reason why one sovereign was proclaimed immediately on the death of his or her predecessor. The coronation was the official recognition of the mystical office of kingship. It could lead to popular, common-sense interpretations in the minds of those in the localities who did not understand the mysteries of the theory.

7. Ibid. p.7

Kantorowicz's examples from the early modern period formed only an introduction to the main body of his work. They were also more concerned with individual claims to land which had been granted during periods of uncertain allegiance to the Crown. Hence the disputes over land rights during the Wars of the Roses and Coke's pronouncements on Calvin's Case. Coke made his ruling on the Two Bodies theory during the case of Robert Calvin in November 1608. Richard and Nicholas Smith had tried to gain control of Calvin's lands in Shoreditch: the grounds for the prosecution being that Calvin, who was born in Edinburgh on 5 November, 1606, was born, "within the allegiance of the said lord the King, of the said kingdom of Scotland, and out of the allegiance of the said lord the king of his kingdom of England"⁸. Coke's statements on the separation of the person and office were to be influential in the allegiance cases of the 1620s. He believed:

that the King hath two capacities in him: one a natural body, being descended of the royal blood of the realm; and this body is the creation of Almighty God, and is subject to death, infirmity, and such like; the other is a politic body or capacity, so called, because it is framed by the policy of man (and 21E. 4. 39. b. is called a mysticall body,) and in this capacity the king is esteemed to be immortal, invisible...nay the politic body hath no soul, for it is framed by the policy of man.⁹

8. J. H. Thomas and J. F. Fraser (eds) The Reports of Sir Edward Coke (London 1826) 6 vols, vol. iv, Calvin's Case Trin. 6, Jac. I. 3 Nov., 1608 p. 2

9. Ibid. p. 17

It was necessary to wrap the comments about the body politic in the language of religious mysticism, in order to avoid accusations of disloyalty. However, Coke's comments make it clear that the majesty of the "blood royal" and the semi-religious authority which derived from God, should be owed to the individual *person* of the king, and not to the office which he held. Calvin therefore held lands in England under allegiance to King James, as he was King of England, even though he was born within James' kingdom of Scotland. Allegiance, Coke held, was to the natural body, not the politic, "for coronation is but a royal ornament and solemnization of the royal descent, but no part of the title"¹⁰. King James therefore possessed the authority and should possess the fealty which was due to the annointed king, even prior to his coronation.

Coke was suggesting that the coronation was mere ceremonial and superfluous to the authority which was vested in the office of king. He was choosing to emphasize the importance of the king's person, at the expense of the office. However, that was the very opposite of the way in which the Parliamentary and Army leaders described their position throughout the 1640s. They claimed they were challenging

10. Ibid, p.18

Charles' person. Whether or not this was the case is important to a discussion of mid-seventeenth century republicanism.

Kantorowicz cited the Parliamentary Declaration of 6 June, 1642, issued in defence of the Militia Ordinance.¹¹ The Declaration was perhaps a more important documentary statement of the Two Bodies theory than Kantorowicz allowed. It was a challenging statement about the division of the King's natural and mystical bodies. It highlighted a shift in emphasis on the eve of Civil War and its internal contradictions revealed both the weakness of the theory itself and the difficulty which Pym and his allies found in justifying opposition in the traditional language of loyalty.

A major section of the Declaration which dealt with the Two Bodies theory, read,

It is acknowledged that the King is the fountain of justice and protection, but that *acts of justice and protection are not exercised in his own person, nor depend upon his pleasure, but by his courts and his ministers, who must do their duty therein, though the King in his own person should forbid them; and therefore, if judgements should be given by them against the King's will and personal command, yet they are the King's judgements.* (My italics)¹²

11. S. R. Gardiner, (ed) The Constitutional Documents of the Puritan Revolution, 1625-1660, 3rd, ed. (Oxford 1968) pp. 254-258, Militia Ordinance March 5.

12. Kantorowicz, King's Two Bodies p. 21

'The King' in the first and the final instances refers to the politic body, i. e., to the office of kingship. This was defined by Pym and his followers as the three estates of King, Lords and Commons, acting as a whole within Parliament. The King, however, could not act independently of the Houses, whereas the Lords and Commons assumed the legitimacy of proclamations and ordinances issued independently of the King. The King, acting in a personal capacity, could not overrule the legal actions of social inferiors. In the grand language of the Two Bodies theory, it expressed a commonplace - that the King was not above the law. In the second section, therefore, 'King's will', related to the natural body, and 'King's judgements', to the politic body. Parliament was stating the reverse position from that outlined by Coke. Coke had attributed the mystical, divinely-ordained elements of regal power to the natural person. The Declaration attributed them to the body politic. It assumed that the 'two bodies' of the King could be separated. The two Houses were anticipating the actual situation after the outbreak of war. Once Charles left London to head his own forces at Newark, he separated his personal authority from the official role of his office. Since the Lords and Commons at Westminster denied the authority of Charles' Parliament at Oxford, they claimed that they continued to exercise official executive functions even without the presence of the King.

The Declaration also set up a dichotomy; balancing the King's person against the King's office. The reference to the "King's will" is therefore an interesting one. The Declaration implied that the definition of 'the person' was 'the will', and was already undermining the importance of personal statements made by the monarch. The assertion was that the mystical elements of royal power were superior to the personal aspects. It was an attempt to demonstrate that it was indeed possible for the Parliament to challenge their King and remain loyal to him.

The Parliament went on to declare itself to be the highest court of judicature in England. It was therefore empowered, "to declare the King's pleasure in those things as are requisite thereunto; and what they do herein hath the stamp of the royal authority, although His Majesty, seduced by evil counsel, do in his own person oppose or interrupt the same"¹³. A confusion arises because the drafters failed to make clear which persons and which institutions were legitimated with reference to the office, and which held their position solely as officers responsible for the King's personal counsel.

In fact, the weakness of the Parliamentary argument was

13. Gardiner, Constitutional Documents, p.257

that loyalty was judged pragmatically. In 1642 it was necessary to assert the legitimacy of the judiciary, who owed their position to the regal office, and therefore, after 1642, to Parliament. They could act independently of the King's person. The Declaration of 1642 talked of 'judiciary' as if it meant to refer to the entire legal profession. If, as the Declaration stated, "acts of justice and protection" were legitimately performed by the king's, "courts and his ministers", this could apply equally well to a minister such as Strafford, or, before their abolition, to the prerogative courts. It was necessary to separate the so called 'evil counsellors' who owed their position to Charles' personal favour, from those such as Parliament and the local judiciary who could claim a wider legitimacy.

By 1649, however, John Cooke was claiming that Charles had so increased his personal power, that the judiciary had been subsumed within the category of those who owed their place solely to him. Charles' supposed 'prerogatives' now included, "the Nomination and Making of all the Judges, that upon peril of the loss of their places must declare the law to be as he pleases".¹⁴ By 1649 the Judges had become one with the evil counsellors. Cooke also declared:

14. Howell, State Trials, iv. 1029

Nor does the common Objection, "That the Judges and evil Counsellors, and not the king, ought to be responsible for such Mal-Administrations, injustice and oppression," bear the weight of a feather in the balance of right reason. For, 1st, Who made such wicked and corrupt Judges? Were they not his own creatures?¹⁵

Though in 1648-9 many claimed to have believed the 'evil counsellors' theory late into the war, it was being undermined as early as 1642.

Kantorowicz described the constitutional change made by the Declaration of June 1642, as 'freezing out' the person of the King. In a partial sense, this is an accurate description. Parliament claimed that Charles had lost control of the powers conferred by his office, because his personal guidance came from evil counsellors. They therefore blocked his personal ability to intervene in the constitutional process. Parliament was fighting *for* the King by protecting the body politic from the evil of Strafford and Laud. When they had been defeated the King could be restored to his rightful constitutional role. This did indeed 'freeze out' the personal role of the King. However, Parliament did so by explicitly separating the person of the King from his office, and by assuming powers which were vested in the office. Parliament claimed to be acting for the King only by claiming the powers of kingship.

15. Ibid, iv, 1025

By separating the person of the King from the office of kingship, Parliament was presuming that the office could still operate irrespective of the absence of its personal qualities. This declaration, therefore, implicitly questioned the necessity of single person government. It was not necessary to have a king for the powers of kingship to function.

It is Charles' role in the duties of the office which was undermined in the Declaration. The emphasis should not be that Parliament remained loyal to the office, by fighting the person, but that they were claiming the powers of the office in order to free the dignity of the person from corruption. Charles' public statements made it clear that he always believed, even from 1642, that Parliament were attacking his office, rather than himself¹⁶, though he was less willing to accept that the two could be completely severed. In a sense, Parliament divided the King into three bodies: the office which was now vested in the two Houses; the person of the King which was acting against the interests of the nation because it was under the corrupt influence of advisors; and a further

16. See, for example, the Impeachment of the five MPs, 3 Jan., 1642, reprinted in Gardiner, Constitutional Documents pp. 236-7, in which the treason which was imputed to the five, was that they wished to, "deprive the King of his regal power".

unblemished body which could be distinguished from the former, though at present it was clouded by the public face of its corrupt mirror image. This third part still contained the dignity, majesty and *gravitas* which accompanied the individual who was the monarch.

The most obvious statement of the Two Bodies theory, and one which was well used by propagandists, was made by a Scots' writer in October 1644. This long tract, entitled *Lex Rex*¹⁷, or, *The Law and the Prince*, was a classic illustration of Calvinist resistance theory. It was justified, said the author, to oppose a magistrate if the magistrate should seek to coerce his or her subjects to act contrary to God's law. The law of God took precedence over the law of man, or, more accurately, allegiance to God took precedence over allegiance to earthly rulers. Therefore, "truth to Christ, cannot be treason to Caesar"¹⁸. The section of this long tract which dealt specifically with the distinction between person and office, was "Question xxix", "Whether, in the case of Defensive Warre, the distinction of the person of the King, as a man, who can commit acts of hostile Tyrannie against his Subject, and the Office and Royall power that he hath from

17. Samuel Rutherford, *Lex Rex: The Law and the Prince* E11(5), 7 Oct., 1644

18. Ibid. The Preface, A3

God, and the People, as a King, can have place?". The author chose to tackle the issue head on, referring to the standard, royalist text of obedience to the ruler, Romans 13. However, the author of *Lex Rex* claimed that the injunction in Romans mentioned "good magistrates", and made no mention of an obligation to obey tyrants. The question was therefore re-phrased:

Whether or no to resist the illegal and Tyrannicall will of the man, who is King, be to resist the King, and the ordinance of God; we say no: Nor doe we deny the King, abusing his power in unjust acts, to remaine King, and the Minister of God, whose person for his royall office, and his Royall Office both are to be honoured, revered and obeyed.¹⁹

Lex Rex defined the authority of the office, or the power of kingship *in abstracto* as including both the official, executive functions *and* the person of the King *provided* that person was acting lawfully. Immediately the person who was King went outside the law, and acted tyrannically, the bond between person and office was severed and the functions of the office remained *in abstracto*, whereas the King became *in concreto*.

On 26 October, 1646²⁰, Thomas Challoner made a speech in

19. Ibid, p.265

20. CJ v p.125

the House of Commons on the role of the King allocated in the peace proposals offered at Newcastle. He was speaking in support of the vote of both Houses that the Parliament of England had sole authority over the disposal of Charles' person, despite a common commitment with the Scots to the Solemn League and Covenant, and despite the fact that Charles had turned himself over to the Scots at Newark.

Challoner's speech was said to have abused the privilege which parliamentarians held, of speaking openly in the House, to cast aspersions on the honour of the King. According to Challoner's chief detractor, who published a tract which became known as *Animadversions*, Challoner had used the umbrella of parliamentary privilege to state that the King was a dog not worth whistling after, and that it had proved so difficult for the Oxford Parliament to decide where to erect Charles' throne, that some had said it would be better not to erect it at all.²¹ The *Animadvertor* conceded that these allegations were not made in the printed version of the speech, but this only added to the alleged breach of privilege. It was also said that Challoner's speech had been so controversial that it had opened a way for all kinds of

21. An Answer to a Speech without Doores: or, Animadversions upon an Unsafe and dangerous Answer to the Scotch-Papers, Th. 16 Nov., 1646, E362(9), p. 2

petty scribblers to comment on something said within the cloistered walls of the Commons. As such, Challoner's speech was coined, 'The Speech without Doors'. The speech certainly sparked off a minor pamphlet war, with a total of eleven pamphlets for and against Challoner being recorded in the Thomason collection.

Challoner claimed that the Scots Commissioners' report used the word 'King' in two different senses, reflecting the distinction between person and office, or the King *in abstracto* and *in concreto*. Challoner described *in abstracto* as, "the Royall power, Function, and office of a king"²². His argument was based on an absolute, physical distinction between the person and the office. If the King of Scotland should leave the country, he argued, his scepter, seal and justice continued to operate within Scotland.

So far, Challoner's pamphlet gave little indication of the controversy which it was to arouse. However, the real radicalism of the speech was that Challoner stated, openly, for the first time within the official channels which the House of Commons provided, the belief that the peace should be

22, Thomas Challoner, An Answer to the Scotch Papers Delivered in the House of Commons in Reply to the Votes of Both Houses of the Parliament of England, 26 Oct., 1646, E361(7), p.4

settled without the King. The peace of the nation should be secured before the safety of the King's person. As the MP stated it:

I pray (Sir) first settle the honour safety and freedome of the Commonwealth, and then the freedome of the King, so far as the latter may stand with the former, and not otherwise. Wherefore I shall conclude with my humble desire that you would adhere to your former vote that is, that the King be disposed of as both Houses of Parliament shall thinke fitting; and that you enter into no Treaty either with the King or your brethren in Scotland, least otherwise thereby you retard the going home of their army out of England.²³

In July 1647, Thomason collected a Royalist pamphlet entitled, *Lex Talionis. Or, A Declamation against Mr. Challenger, The Crimes of the Times, and the Manners of You know whom.*²⁴ If it was thought that contemporaries would immediately know the identity of this unnamed villain, it is no longer quite so obvious, but it may have been Henry Marten, notorious for speaking his mind. *Lex Talionis* reiterated the standard Royalist position that the natural and political bodies of the King could be distinguished, but not separated. Combined with this statement of royal power was the image of the godly king: the two Royalist images which were to be savagely demolished by Army propaganda the following year. The

23, Ibid, p,15

24, Lex Talionis: Or, A Declamation against Mr Challenger, The Crimes of the Times, and the Manners of You Know Whom, Th, 5 July 1647, E396(20)

author contended that,

It is a bold Assertion between you both (Scottish and English Commissioners), to enter into a saucy dispute about the disposing of the Sacred person of the King, as if he were a Child, a Ward, or an Ideot; when God can beare him witnesse, Hee hath more Wit, more Judgement, and more Honestie in Him, then any of you all or all of you together. Here let me interpose with my short, and true definition of him, both as He is a Man, and as He is our King. As he is a Man, me thinks I heare my Saviour saluting him,...

Now as He is our King, how can both Houses, as M.Challener saith; or how can both Kingdoms, as my Lord Chancellor of Scotland would have it? dare to take upon them to dispose of him, who hath under God the sole disposall of us all, with this limitation; with the joynt consent, and wholesome advise of the honest and great Councill of each Kingdome, and this is both Law and Gospell.²⁵

"*Salus Regis, & salus Republicae* are not onely Twins," he continued, "but *Gemini*, Inseperable, and individuall; Cursed be those that have hitherto divided them"²⁶. This Royalist concluded that both the Scots and English Commissioners were out to destroy the person of the King, though, since he considered person and office indivisible, he must have concluded that their proposals would automatically destroy the office.

Lex Talionis, or the 'Law of Retribution' is noteworthy

25. Ibid, pp.2-3

26. Ibid, p.9

for another reason. It is a Royalist use of the idea of inevitable divine vengeance for those who disobeyed God's word. Though this is an isolated pamphlet, it comes several months before the idea of vengeance became the driving force behind the actions of the New Model Army. God's vengeance on the evil committed by the New Model, rather than on the wrongdoers amongst the Royalists, was an argument which was to gain considerable force with the execution of the King. After Charles' death there was a very obvious act which the Royalists considered to be against God's law to which to attach their concept of divine retribution. *Lex Talionis* indicated that the idea was already beginning to stir in their minds.

Challoner's speech was a veiled and moderate statement of an idea which was to become increasingly prominent throughout 1647 and 48 - that no treaty should be concluded through the King. By extension, since the peace settlement would contain no explicit statement of a constitutional role for him, he would have no executive status either. At this stage there was little indication that Charles would never be restored, only that he would take second place to the restoration of the people's rights. This implied that those executive functions which had been exercised as part of the King's prerogative, were really part of the people's rights, exercised by

Parliament on their behalf. It was these functions which Parliament had taken to themselves after the outbreak of war. Challoner's speech was therefore seeking to protect the executive functions of Parliament by freezing out both the King and the Scots. Freezing out the personal role of Charles Stuart in the peace proposals did not imply holding him captive, either in English or Scottish hands. Rather, it involved the Parliament - in this case, the English Parliament - assuming to themselves the executive functions of monarchy. Ludlow claimed they had disagreements with the Scots over,

the exclusion of the King from having any thing to do with the militia, and touching the Scots intermeddling with the government of England, about the education of the King's children, the disbanding of armies, and an act of oblivion...²⁷

These were executive functions over which the English Parliament intended to keep tight rein.

The peace proposals would have restored the King's personal dignity which, in these examples, were terms which accompanied the natural rather than the mystical body of the King. They were irrelevant to the operation of the constitution: they added the *gravitas* and solemnity, which, in the eyes of the English people, were an integral part of

27, C.H.Firth (ed) The Memoirs of Edmund Ludlow (Oxford 1894) 2 vols, i.p.137

single-person government. However, were the peace plans to be put into operation, the superficiality of personal dignity would have been combined with the exercise of real power. It was an abuse in itself for a single person to exert influence through the bogus concept of personal dignity.

It is important that the labels of "dignity" and "majesty" had been transferred by Parliamentary radicals from the official to the personal manifestation of sovereignty. Firstly, this allowed the Parliament and their allies in the Army to attack the person of Charles Stuart for failing to live up to their ideal portrait of a king. Secondly, it facilitated Parliament's transfer of more of those qualities which they associated with majesty - justice, benevolence, peace, godliness etc. - from the King to the Parliament, though many claimed that the continuing presence in the Houses of those who were prepared to treat with Charles, had resulted in authority being transferred from the Parliament to the Army. It was a device to back up their assertion of godliness. Thirdly, and most importantly, it helped legitimate the argument for government by Lords and Commons alone. Though this was certainly not what all the protagonists had in mind in 1647-8, it was a necessary step if the person of the King was not to be regarded as integral to the constitution. 'Justice' and 'legitimacy' were measured, especially by

certain members of the Army Council, according to the ruler's adherence to the Christian moral code. 'Majesty' and 'dignity' therefore became part of personal prerogative, and not something which reflected the sanctity or necessity accorded to part of the constitution.

The moderates, and their allies the Scots, regarded the person of the King as a necessary component of legitimate government. The Solemn League and Covenant had outlined their commitment to preserving the dignity of the King.²⁸ There could be no peace negotiation until the King was returned to London in a position of sufficient honour to restore his dignity and authority. In other words, they still believed that it was impossible to separate legitimate kingly government from the personal presence of the monarch. They supported both the person of Charles and his exercise of the office of monarchy.

The opposition to Charles was united in believing that it was possible not only to distinguish the King's person from the office of king, but also to separate them. They regarded the authority which had been exercised by Lords and Commons,

28. For the text of the Solemn League and Covenant, see, Gardiner, Constitutional Documents pp. 267-271, especially clause iii.

without the King, as legitimate, and as such, they had demonstrated that the Two Bodies could be separated. The person of the King was with his army and Parliament exercised the functions of the office of monarchy. They did not agree, however, about the roles which *ought* to be accorded to the 'person' within the ideal constitution which they were discussing.

The series of votes between 1646 and 49 which determined the role to be allocated to Charles Stuart in the new constitution, have been described as "freezing out" the person of the King. This was regarded as an attack on the person. Early apologists for the parliamentary cause spoke of a king temporarily led astray by evil counsellors and therefore detached from the ideal relationship between person and office which characterised English mixed kingship. The parliamentary army were therefore fighting the individual to save the dignity of the office.

In a sense, this was a position which republicans maintained right up to 1649. They were consistently fighting for the dignity of the office. They had, however, a conception of dignity which was diametrically opposed to that of royalists. The royalists believed that the dignity of the executive office derived from divine sanction, issued at the coronation, and exercised directly through the person of the

king. Republicans denied that kings possessed divine sanction and decried the ceremonial of coronation. They therefore attacked the monarchical exercise of the office, by totally separating the person from that office. However, they substituted other links between the individual and the office. A more just link, they claimed, was the godliness of the person and the representativeness, or at least accountability, of the office to the people of England. Godliness was at least partly defined as representativeness: the body which best combined these two functions was therefore Parliament, and especially the Commons.

In 'freezing out' Charles Stuart from the constitution, the parliamentary radicals had found a way of uniting the executive functions of government with the godly representativeness of Parliament. The unity of godliness and power had therefore protected the dignity of the office from the ungodliness and unaccountability of kings. However, the republicans reunited the person and the office, but stipulated that the 'person' should be regarded in the plural. Investing so much trust and power in one person was the thing which overbalanced the constitution and caused the link between the person and the office to break down. One person with so much power could not possibly expect to be representative, accountable or incorruptible.

The moves against further addresses to Charles should not be seen as an attack on the person of the King. They were rather an attack on the office, as that office was defined as a single-person executive. By opposing any move to reunite the person of Charles Stuart with the executive functions of the office, the republicans were guarding their own exercise of these functions. There was a network of people whose aims were similar in this respect. In the Army there were agents such as Sexby, Allen, and Chillenden, with their links with civilian radicals, such as John Wildman. In Parliament, there were figures who provided a link between the Commons and the New Model, such as Rainsborough, Marten and Grey of Groby, long-standing allies of this group, such as Thomas Challoner, John Lisle and Thomas Scot, and those who joined them at points during the 1640s when they realised that the power of the Commons could only be secured by excluding Charles from the constitutional process. These were MPs such as Sir Arthur Haselrig and Sir John Evelyn.

These parliamentarians were to deny that they held any malice towards Charles Stuart when they themselves came to trial in 1660. They did so with a frequency and a unity which suggested they were not simply trying to save their lives. Clement Walker wrote,

such were their proceedings *against the King,*
or *against the kingly Government,* which was
cut of be the same Axe that murdered the King,
and was (indeed) first in their intention,
though last in execution; as appeareth by *Harry*
Martin's Speech in the House upon the debate,

Whether a King, or no King? That if they must have a King, he had rather have had the last than any Gentleman in England? He found no fault in his Person, but in his Office.²⁹

The fact that many radical, parliamentary republicans did not set the fault at Charles' door, led them to a reluctance to execute him for his part in the war. Some dropped out of parliamentary business while the trial was conducted, others were reluctantly to recognise the expediency of disposing of Charles before they could secure constitutional change.

It is possible to make some general conclusions about this group. They tended to initiate moves to exclude the person of the King from the constitution at an early stage. Hence MPs like Marten and Challoner were opposing negotiations with Charles as early as 1646, if not earlier. The feeling that the war with Charles had not been simply a six-year military engagement, but a life-long constitutional battle, meant that a high proportion of those MPs who were active on the major constitutional committees after 6 December, 1648, and until the foundation of the Commonwealth in May 1649, were those with long records in the Long Parliament. Marten, Grey of Groby, Pyne, Rigby, Haselrig, Lisle, Holland, Alured, Humphrey Salway, Venn, Evelyn and Wentworth were all elected in either 1640 or 41. Their long records as parliamentarians tended to shape the nature of the attack on Charles. Rather than concentrating on

29. Clement Walker, Relations and Observations... The History of Independency, History of Independency p.149

the crimes which had been committed during the past seven years, this group went back to the beginning of Charles' reign and chronicled a long list of abuses such as Ship Money, arbitrary courts, the death of King James, the dissolution of the 1628 Parliament, and so on. This barrage of criticism added to the image of the personal iniquity of Charles Stuart.

This group also had advanced social and political ideas, which has been obscured by the conservative image which the Long Parliament and its Rump, has gained. Alexander Rigby, Henry Marten, Thomas Rainsborough and Thomas Challoner were all close associates of the diverse 'leveller' groups which flourished in the City and the Army. They believed in the sovereignty of the Commons and that the Commons derived its power directly from the people. Marten expressly opposed tithes, and encouraged his tenants to disregard the normal customs of privilege.³⁰ John Venn had a reputation from the early 1640s as a demagogic leader and controller of the London mob. Grey of Groby had sectarian religious views.³¹

The definition of republicanism which is outlined here, involved not only an opposition to kings, but defined kingship as the control of the executive by a single person. Hence,

30. See Chapter 5

31. Biographies of all the figures mentioned here can be found in the Dictionary of National Biography and Greaves and Zaller (eds) A Biographical Dictionary of British Radicals in the Seventeenth Century (Brighton 1894-6). The latter is often unreliable and wayward, but fortunately, the sketches of the leading characters tend to be penned by leading figures in their field.

this group of republicans were to apply the same arguments to Oliver Cromwell when he instituted the *Instrument of Government* in December 1653.³² As such, it is often difficult to discern whether a character was or was not a 'republican' until after 1654. Many had praised Cromwell during the Commonwealth for his military success, restoring prestige and military power abroad. The arguments which were raised against Cromwell in 1654-6 echoed those which had been brought against Charles in 1647-9. As a general rule, this group were either excluded from power by Cromwell, or dropped out because they were unable to owe allegiance to him. Many of them returned in the restored Rump Parliament in 1659, and lauded the 'Good Old Cause' of republicanism as it had been expressed in the last two years of the 1640s.

However, there were those who laid the entire blame for the upheavals of the previous seven years at Charles' door. To them, Charles was the cause of all the blood-guilt which had resulted from the years of war. He had declared war on the people of England, and on the Parliament, and had been a traitor, a murderer, and a tyrant. It was not that the concentration of power in the hands of one person encouraged ungodliness: Charles was an unprecedentedly ungodly man. He was likened to the tyrannical figures of the Bible who had

32. For the text of the *Instrument of Government*, see, Gardiner, *Constitutional Documents* pp.405-417, see also, Chapter 6

persecuted the saints of Israel. The New Model Army saw themselves as latter day defenders of the saints whose mission was to defeat the tyrant. This group also recognised that the King was ungodly, but regarded it as a product of his own character, and not as a result of the deficiencies of the office. Perhaps the clearest illustration of this type was Colonel Nathaniel Rich, who in his interview with Elizabeth Poole, the self-appointed prophet from Abingdon, was only concerned with her opinion on Charles' trial and desired confirmation of the legitimacy of execution.³³ He was backed by several regiments of the New Model Army who were calling for Charles to account for his blood-guilt.

For this reason, this group is defined as "regicides". In others words, their eventual aim was regicide, rather than republicanism. They had been reluctant to write Charles' personal role out of the successive peace negotiations, because they believed that curbs on his personal power would prevent him from exercising it in a destructive way. Nevertheless, they believed that some form of monarchical power was essential to the balance of the constitution. It provided a necessary, heirarchical structure which prevented anarchy and defended property. 'Regicide' therefore, is used to define all those who were primarily, or solely, concerned

33. See, Camden Society 2nd, ser. 84, "The Clarke Papers" vol.2 of 4, (London 1894) p.152.

with bringing Charles to justice for his part in the war, and did not believe that their doing so had any implications for the future rule of all kings. This group included the officers Philip Skippon³⁴ and Thomas, Lord Fairfax³⁵, who did not support the High Court and lent support to the republican government more out of a feeling of military duty than any sense of enthusiasm. Other Army officers such as Nathaniel Rich, Edward Whalley and Philip, Lord Wharton were also supporters of the regicide, but not of republican government.

It is easiest to place Cromwell in this category - a man whose lifelong commitment was to a single guiding hand. His sole motivation was to ensure that it was a godly hand. Henry Ireton must also fall within this group. There is little evidence that he was responsible for the documents which guarded or defined the republican settlement³⁶, and the evidence of his Army statements, his pronouncements at Putney and Whitehall, and Ludlow's reaction to his vacillation over Charles, mark him out as a conservative, in the relative terms

34. Skippon was deeply mistrusted by the group which are here referred to as the republicans, for his ability to sit on the fence and his conciliatory treatment of those who wished to continue negotiations with Charles. See, for example, Clarke MSS, xlv, fols 137-138. His reputation with the radicals was restored by his vigorous support for a trial in December 1648, Margetts to Clarke, Clarke MSS, cxiv fol. 149b.

35. Fairfax's support of the Commonwealth government was notoriously lacklustre, though they courted him for the influence he had within the army. He refused to sign the Engagement of loyalty or attend the Council of State.

36. Adamson, "The Peerage in Politics", unpub. Ph.D. (Cantab 1986) convincingly denies that Ireton was responsible for the *Heads of the Proposals*, and there is no evidence to support Gardiner's claim that he was the author of the Engagement for the Council of State.

of the post-1649 Parliament.³⁷ The point at which Charles' duplicity pushed Cromwell, Ireton, and their supporters, beyond the limits of their tolerance was the outbreak of the second Civil War. Once they had again embarked on war, it became necessary to defeat Charles militarily, rather than coming to terms with him. Nevertheless, Cromwell in particular, was still reluctant, as late as November 1648, to abandon Charles as the monarchical link in the constitution.

The issue which united them was the need to dispose of Charles' person. By December 1648, even Cromwell, the most reluctant of regicides, had agreed that there was no alternative but Charles' trial. He was reported to have said in the House on December 26,

if any man whatsoever had carried on this design of deposing the King and disinheriting his posterity, or if any man had yet such a design, he should be the greatest traitor and rebel in the world, But since the Providence of God hath cast this upon us, I cannot but submit to Providence, though I am not yet provided to give you my advice.³⁸

Though Cromwell was expressing his reluctant agreement with the decision to try Charles, he also implied that he had not yet decided on any further action.

As with all categorisations, these are far from absolute. There were exceptions which broke every rule, such as John

37. Ludlow, Memoirs i. p.204

38. Abbott, Writings and Speeches i. p.719

Lisle. Lisle was elected in 1640 for Winchester. He was active in the radical campaigns of the late 1640s and named to key constitutional committees in 1648-9. However, it was he who administered the oath to Oliver Cromwell in 1654. He sat in both Protectorate Parliaments and was sent to the Cromwellian Upper House in 1657.

It is also possible to represent republicanism and regicide as modes of thought rather than as categorisations for individuals. In this context, it is necessary to examine the writings of two final characters, John Cooke, Chief Prosecutor at Charles' trial, and John Milton. Both wrote pamphlets in defence of Charles' trial. Cooke's, *King Charles His Case*³⁹, was reputedly a transcript of the speech he had intended to give at the trial. Milton's, *The Tenure of Kings and Magistrates*⁴⁰, was a justification of tyrannicide. As such, both rehearsed the classic 'regicidal' arguments. Both were concerned to justify the regicide, and made no greater generalisations about all kings. Their aim was to attack Charles Stuart, to show that he was a tyrant and a murderer, and that he therefore deserved to die according to the laws of God and man.

However, both Milton and Cooke wrote pamphlets which were

39. John Cooke, *King Charles His Case*, Th. 9 Feb., 1649, E542(3), reprinted in Howell, *State Trials* iv.

40. John Milton, *The Tenure of Kings and Magistrates*, Th. 13 Feb., 1649, E542(12), and reprinted in Hughes (ed), *Complete Prose Works*.

designed to justify a wider concept of republican government. Milton's *Eikonoclastes*⁴¹, written, apparently at the behest of the Commonwealth, was aimed at countering the image of divinity which had begun to grace Charles, as a result of the publication of *Eikon Basilike*⁴². Milton followed the same format as *Eikon Basilike*, answering each chapter in sequence. Therefore, although it was designed to be an apology for republican government, Milton concentrated on the personal faults of Charles Stuart, as he had done in *The Tenure of Kings*. There were also elements in *Eikonoclastes* which sat uneasily with republican beliefs in the sovereignty of the people. The idolisation of kings, was, to Milton, as much a product of the ignorance and gullibility of the people as the pride and vanity of kings. It would therefore be dangerous to entrust the government to the election of the people's representatives. What was needed was a godly ruler to guide them. Milton was to join fellow poet, Andrew Marvell, in lauding the godliness and military prowess of Oliver Cromwell.⁴³

Cooke wrote *Monarchy No Creature of God's Making*⁴⁴ in 1652, whilst he was Chief Justice of Munster. In this

41. John Milton, *Eikonoclastes*, Th, 6 Oct., 1649, E578(5), and reprinted in Hughes (ed), *Complete Prose Works*.

42. *Eikon Basilike* Th, 9 Feb., 1648(9), C, 59, a, 24.

43. See, J.M. Wallace, *Destiny His Choice: The Loyalism of Andrew Marvell*, (Camb, 1968)

44. John Cooke, *Monarchy No Creature of God's Making* (London and Waterford) Th, 26 Feb., 1652, E1238(1)

he launched an attack on those who had traditionally been regarded as good rulers. He used the common republican texts, such as the First Book of Samuel, and, having described the evils of foreign kings, also extended that argument to show the tyranny of Judaic kingship. He wrote of kings' abuse of grace, and of people's folly in believing that a king would give better justice than God's laws. Monarchy and good laws were inconsistent, he maintained⁴⁵. Though he repeated many of the phrases which he had used in *King Charls His Case*, Cooke's aim was different. He was not seeking to attack the individual role of Charles, but to justify rule without kings.

Therefore, it is not possible to call Milton a "republican" in the sense in which it is used here. Though he served the republican government, the underlying force of his thought was directed towards the search for a more godly ruler to replace Charles. On occasion, his views are used as an example of republican thinking, since the origins of republican and regicidal thought overlapped in places. However, as an individual, Milton does not fit the same category as Marten, Rainsborough or Sexby. Cooke, on the other hand, is difficult to categorise as either a republican or a regicide. He was not an independent thinker, but a collector and populariser of the thought of others. As such, *King Charls His Case* can be described as a "regicidal" tract. In other

45, Ibid, p. 129

words, its aim was to condemn the individual role which Charles Stuart had played in the war. Within this regicidal writing were elements of republican thinking, as they were applicable to the task in hand. *Monarchy No Creature*, on the other hand, was a "republican" pamphlet, designed to praise republican government in general, and in particular those who were then in power.

The following year, when still in exile, Charles Stuart published the *Propositions for peace*. The propositions called on the King to sign the Solemn League and Covenant, to restore the Ordinances made by the two Houses since the outbreak of war and to act against Catholics. The two Houses would control the militia for twenty years, after which time the situation would be reviewed. Charles believed these conditions to be "destructive to his just regal power". In his third answer to the Propositions on 12 Feb. 1647, he set the claims regarding the power of the Houses to control the militia, even limited to twenty years, which he had approved, for he would be "deceiving himself, and diminishing the probability of that right and prerogative of his Crown which is absolutely necessary to the dignity of his office, and so weakening monarchy in this Kingdom that little more than the name and shadow of it will remain".¹

1. *ibid.*, pp. 100-101.
2. *ibid.*, p. 101.
3. *ibid.*, p. 101.

SECTION TWO

CHAPTER 5 - "The origin of republicanism in Parliament and Army"

The two Houses presented their propositions for the basis of peace negotiations to the king at Newcastle, on 13 July, 1646.¹ The following year, these still formed the basis of the parliamentary overtures for peace. The propositions called on the King to sign the Solemn League and Covenant, to confirm Ordinances made by the two Houses since the outbreak of war and to act against catholicism. The two Houses would control the militia for twenty years, after which time, the situation would be reviewed. Charles believed these conditions to be "destructive to his just regal power".² In his third answer to the *Propositions*, on 12 May, 1647, it was the clause outlining the power of the Houses to control the militia, even limited to twenty years, which he most disapproved, for he would be, "divesting himself, and disinheriting his posterity of that right and prerogative of the Crown which is absolutely necessary to the Kingly office, and so weakening monarchy in this kingdom that little more than the name and shadow of it will remain".³

1. Gardiner, Constitutional Documents, pp.290-306

2. Ibid, p.307

3. Ibid, p.314

The *Propositions of Newcastle* were coming to be associated with the so-called 'Presbyterian' section of the Houses, particularly as the Commons split into factions with the growing chill between the Army and Parliament during 1647. Throughout the summer of that year, a group of more radical Lords, led by Saye, Wharton and Northumberland, and their allies in the Commons - St. John, Vane, Evelyn, Cromwell and Ireton - were preparing an alternative basis for peace negotiations, to be pursued through the Army Council, which became known as the *Heads of the Proposals*.⁴ More important to this group was securing religious toleration, at least for Protestants, and blocking the clauses in the *Proposals* which established a more rigid Presbyterian church settlement. They also called for biennial parliaments to be enshrined within the law. In return, they were prepared to be more lenient on matters of prerogative, limiting Parliament's control of the militia to ten years. They would then restore the king and his family "to a condition of safety, honour and freedom in this nation, without diminution to their personal rights, or further limitation to the exercise of the regal power."⁵

The King's latest answer to the *Propositions*, as well as a copy of the *Heads* "agreed on by the General and the Council of

4, Ibid, pp.316-326. The activities of this Lords' group has been expansively detailed by J.S.A. Adamson, in "The Peerage in Politics", unpub. Ph.D. thesis, Cantab, 1986.

5, Gardiner, Constitutional Documents pp.321-2

the army"⁶ was presented to the Commons on Tuesday, 21 September, 1647. It noted that the King had rejected the *Propositions* and expressed a preference for the *Heads*.⁷ The subsequent moves by the Commons demonstrate that rather than the moves towards peace being dependant on a preference for either the *Propositions* or the *Heads*, there was a group in the House who were opposed to any form of further negotiation with the King. In opposition to this group were those, amongst whom were the allies of the Saye-Northumberland-Wharton group in the Commons, who were prepared to continue negotiations based on either the *Propositions* or the *Heads*, provided that the lines of communication could be kept open.

The day after the receipt of the King's answer, the House voted on whether to turn itself into a Grand Committee to, "take into Consideration the whole Matter concerning the King". Cromwell and Evelyn were tellers in favour of the motion and Sir Peter Wentworth and Thomas Rainsborough tried to block such a move. The latter failed by 84 votes to 34, and the House began to debate the clauses of the *Propositions*, agreeing first to return the clauses on the militia to the King.

September 23 was a Thursday and Cromwell and Rainsborough left the House to return to the Army, either to attend the

6. CJ v p. 311

7. Gardiner, Constitutional Documents p. 326

weekly meetings of the full General Council, which Fairfax had called to meet on Thursdays, or to attend the sub-committee consisting of Cromwell, Rainsborough, Ireton and Hammond, which Fairfax had established on August 30, to deal with business, "of publique and common concernment to the Army or Kingdome."⁸ For that day's business in the House, Cromwell was replaced as teller by Haselrig, and Rainsborough by Marten. The House resolved to send the revenue clauses to the King without a division. It then went on to divide on whether, "the House will once more make Application to the King, for those Things which the House shall judge necessary for the Welfare and safety of the Kingdome."⁹ Marten and Wentworth lost this vote by 70 to 23. The House then agreed to return the clauses on titles, the Great Seal, Bishops lands and indemnity, to Charles.¹⁰

These two divisions indicate the genesis of a small group within the House of Commons which was opposed to further negotiations with Charles because they opposed the restoration of a constitutional role for kingship. The vote of September 23 has been described as a Vote of No Addresses. In fact, it was a more negative reaction to the move by the House to send further addresses. At this stage, the radicals in the House

8, Camden Society "The Clarke papers", i, p.224 and Clarke MSS lxvi

9, CJ v p.314

10, CJ v p.315

formed such a small group that they were forced to react to the actions of others, rather than direct the action themselves. Rainsborough and his allies in the army were to bitterly attack Cromwell and Ireton when the general Council met at Putney, for appearing in the House to declare that it was the sense of the Army that they should continue to negotiate with the King. Rainsborough made it clear that that was not his feeling at all, and that he would oppose negotiations based on either the *Heads* or the *Propositions* until what he regarded as the rights of the people had been secured.

Though Cromwell and Ireton were to be found on the same side as these parliamentary radicals over the next sixteen months, it is argued here that far from using the Army as a vehicle for constitutional change, they were outmanoeuvred by the radical MPs. They were themselves wary of using the army as a political weapon, and though military pressure was vital in bringing about change, the New Model did not organise or control that change. Cromwell, Ireton and some of their fellow officers were already beginning to appear as reactionary figures, in the radical fringes of politics in which the initiative was focused in late 1647.

They not only lagged behind their parliamentary allies. There was pressure to increase the rate of change coming from the ranks of the Army. The moves to disband the army in the

summer of 1647 had united it in resistance, and had led to the creation of an enlarged army Council, known as the General Council, in which 'agents' or 'agitators' were allowed to debate issues of concern to the Army along with the Officers.¹¹ For the purposes of a study of republican organisation, the most important figures to emerge from this process were William Allen, Edward Sexby and Edmund Chillenden. These, and other spokespeople of the rank and file had established links with the radical officers, and most particularly with Thomas Rainsborough.

However, when the General Council of the Army met at Putney, it was to discuss the breakdown of the previous consensus. Certain rank and file soldiers, who described themselves as 'representative' of their regiments, and as 'agents', though they probably lacked a sense of popular acclamation which had been accorded to the original agents, had vehemently attacked their officers and their overtures for peace, and had accused them of deserting their commitment to their men, by bargaining with the enemy before the rights of the soldiers had been secured. The pamphlets which issued from them smacked of mutiny. When they were invited to Putney, they

11. This process is examined in some detail in Austin Woolrych's Soldiers and Statesmen (Oxf, 1987), in which he draws a sharp distinction between the original "agitators" and the new "agents". His use of different terms helps to draw a distinction, but I prefer 'original' and 'new' agents, thereby avoiding any modern interpretation which may be applied to the term 'agitation'.

brought with them their own blue-print for a peace proposal, an *Agreement of the People*.¹² This represented an absolute constitutional statement, in which the rights of the people to vote, to be governed by a representative parliament, to be entitled to equality before the law, freedom from impressment, and freedom of worship, were enshrined. There was no explicit mention of King or Lords. There may have been no republican implication behind their exclusion, since the point of the *Agreement* was that it secured the rights of the people before those of the King and Lords. However, there was an explicit anti-monarchical tone behind *The Case of the Army Truly Stated*, probably written by the Leveller John Wildman, who came to Putney to support the *Agreement*, and *A Cal to all the Souldiers of the Armie*, which may well have been by Wildman, and which was printed during the debates to counter the attacks made by Cromwell and Ireton.¹³

The new 'agents' were not very vocal at Putney. The ideas which were represented in the *Agreement* were ably supported by Sexby, Allen and Chillenden; by Wildman, the Leveller, and by

12. Gardiner, *Constitutional Documents* pp.

13. [John Wilman] *The Case of the Army Truly Stated* 15 Oct., 1647, E411(9). *A Cal to all the Souldiers of the Armie* Th, 29 Oct., 1647, E412(10). Cromwell hinted that he regarded their proposals as republican, and indicated his own opposition to the idea, by referring to Switzerland, a common model used to show the representativeness of republican governments, by its supporters, and denouncing it as a "confusion" - "Would it not make England like another Switzerland country, one conton of the Swiss against another", (Woodhouse, *op.cit.* p.7).

Rainsborough, who presented a convincing case that he had not been involved in the organisation of the *Agreement* though he unconditionally supported it when he saw it for the first time at Putney.¹⁴ The new agents combined two ideas. The first was fundamental constitutional change. The second was defiance of their officers whenever they seemed to block the progress of the first. As such, the statements which Sexby, Allen, Chillenden and Rainsborough made at Putney, are useful in that they illustrate the radicalism of their politics, especially in comparison with the so-called 'grandees'. Rainsborough and Allen in particular were also aware of the need to maintain army unity, and knew that unity was vital if they were to use the Army to advance their political ideas. They were not prepared to follow the new agents' course of military disobedience in the latter months of 1647, and were to be reconciled to army discipline.¹⁵ In the end, it would be Cromwell and Ireton, who with help from the untrustworthy behaviour of the King, were forced to abandon the path of constitutional compromise and accept the radical political vision of others.

The ability of the original agents mentioned here, to separate the programme of political agitation from military agitation, was an important part of their political role. They

14. Woodhouse, Puritanism and Liberty p.13

15. This point is strongly emphasised by Woolrych, Soldiers and Statesmen esp. ch. xi.

were quick to seize on the aspects of the new agents programme which served their own ends, particularly the supremacy of the Commons and an end to the King's negative voice. As Wildman's civilian colleague, Maximillian Petty, stated it at Putney:

I had the happiness sometimes to be at the debate of the *Proposals*, and my opinion was then as it is now, against the King's vote and the Lords'. But '[I did] not [then] so [definitely desire the abolition of these votes] as I do [now] desire [it; for] since [that time] it hath pleased God to raise up a company of men that do stand up for the power of the House of Commons...and deny the negative voice of King and Lords. For my part I was much unknown to any of them, but I heard their principles...Whereas you (Cromwell and Ireton) seem to make the King and Lords so light a thing as that it may be without prejudice [to keep them, though] to the destruction of the kingdom to throw them out; for my part I cannot but think that both the power of King and Lords was ever a branch of tyranny. ¹⁶

If all the Army agents of the period 1647-8 are examined in the light of their attitudes to the King, a different set of groupings emerges from that usually put forward. Sexby, Allen and Rainsborough made their peace with the Council and went on to republican agitation in 1648. It was not the case that all the original agents supported this route, since Francis White, who was a vocal critic of royal power in 1647 went on to oppose Charles' execution and was part of the mutiny in the Army in 1649. ¹⁷ Most of the new wave of agents were obscure characters, but if it is the case that their agitation was directed by the Leveller leadership in London, then they too

16. Woodhouse, Puritanism and Liberty p.89

17. Woolrych examines the subsequent careers of the participants at Putney in Soldiers and Statesmen ch.xiii See also ch.7.

were divided over the question of Charles' eventual trial and execution. John Wildman remained a republican, and was estranged from his former colleagues. The revival of Leveler-inspired agitation in 1649, continued its attack on the Army grandees but bewailed not only the execution of the King, but also the fate of the other five delinquents, picked out for condign punishment by the new regime. Figures such as Francis White and William Bray continued the agitation of 1647, with its mutinous overtones, but rather than aiming their attacks at anti-monarchical political radicalism, they chose to direct their fire at the Council of Officers. Bray and White claimed they were the supporters of regal authority.¹⁸

Having made their peace with the leaders of the Army after the mutiny at Ware, the radicals in the Army and Parliament were given the chance to direct, rather than react to, the political agenda, by the duplicity of King Charles. When it became clear that the King had not been committed to negotiations with either the Commons or the Lords/Army group, but had signed an *Engagement* with the Scots, the leaders of the Army and Parliament were diverted from their path of negotiation. Charles' *Engagement* reaffirmed the Solemn League and Covenant, the ark of Presbyterianism, and called for the suppression of all independent churches.¹⁹ Charles had

18. See (Capt) William Bray, To the Right Honourable... An Appeal Th. 19 March, 1648(9), E346(30)

19. Gardiner, Constitutional Documents pp. 347-352

therefore alienated the leaders of the New Model, who despite their disagreements with the rank and file, shared with them a common commitment to religious toleration, at least for Protestants. This new *Engagement* was to be achieved with an English army, regimented by Scottish officers²⁰, and would, if victorious, bring the King to London, in safety, freedom and honour, to negotiate a personal treaty.

On 3 January, 1648, the radicals introduced their own resolution against sending any more entreaties for peace to Charles. Clement Walker could not be considered an unbiased commentator on the events of 1648. He was a 'Presbyterian' in both its religious and political connotations, and a fierce upholder of the personal rights of the monarch. However, his concentration on the importance of the moves to exclude Charles from a peace settlement, and particularly the Vote of No Addresses, were most revealing. He gave a flavour of events:

Sir Thomas Wrothe (Jack Pudding to Prideaux the Post-master) had his cue to go high, and feele the pulse of the house; who spake to this purpose, *That Bedlam was appointed for mad men, and Tophet for Kings: that our Kings of late had carried themselves as if they were fit for no place but Bedlam..*²¹

20, It was also to have some officers from the English Army.

21, Clement Walker, *Relations and Observations* pp.69-70 Tophet was the place to the south of Jerusalem where carcasses were burned and false idols destroyed.

Sir Thomas Wroth was also reputed to have said that he did not care what form the government of the country took, so long as it was not by "Kings or Devils". According to Walker, the vote was in four parts: that Charles be kept under close guard; that he be impeached; that he be 'laid by' and the kingdom settled without him; and that the powers which had been exercised by the Committee for Both Kingdoms be vested in those members of the English Houses who had formerly sat on that Committee. He maintained that this last vote was passed by subterfuge, since the radicals indicated that the vote on the third part would be the last business of the day, and the candles having been brought in for the voting, the moderates left, the radicals locked the doors and proceeded to vote through the fourth clause. In fact, the candles were ordered in before the first vote, so either the whole thing was passed by subterfuge, or, more plausibly, Walker was adding some derogatory colour. He said that the vote was seconded by Henry Ireton and summed up by Oliver Cromwell, an interesting change of mind on their part. This may have been the stage at which Ireton decided to exclude the King from further negotiations

but in view of Cromwell's continuing doubts throughout 1648²², this would seem an early stage for him to have made a similar decision. More likely, Cromwell was concerned about the unity of the Army in the face of a likely second war. Sir Arthur Haselrig and Sir John Evelyn also seemed to have joined the ranks of those who no longer trusted the King since they acted as tellers for the 'radical faction'.²³

The House also decided to publish a *Declaration*, which Ludlow claimed was written by Nathaniel Fiennes, outlining the reasons for their Vote of No Addresses. Fiennes was indeed a member of a nine man committee which was appointed to compose a declaration. The others were the radical figures of Marten, Challoner, Lisle, Salway, Morley, Pierrepont, Grey of Groby and Prideaux. However, the declaration which was printed in the Houses' name, on January 17²⁴, contained a conservative preamble from the Lords. The Houses declared that they had framed their demands in the shape of the Four Bills, which the

22. See Abbott, *Writings and Speeches* i, pp.696-699

23. CJ v, pp.415-6

24. Gardiner, *Constitutional Documents*, p.356. The formula whereby all of Charles' supposed crimes since even before his accession, became a common feature of republican propaganda in early 1649.

King had rejected. These, they claimed, "did contain onely matter of Safety and Security to the Parliament and Kingdom"²⁵. All other matters would be referred to a Personal Treaty with Charles. The Vote of No Addresses was only necessary so that, "the Houses may receive no Delays nor Interruptions"²⁶. The Declaration repeated the votes taken on January 3, and called on Members to distribute them throughout the country. A document which alluded to the continuing possibility of a personal treaty would seem unlikely to come from such a radical committee, many of whom had openly rejected such a move. The declaration to which Ludlow alluded was of a far different nature to that produced by the two Houses. Ludlow wrote of,

a declaration, prepared by Colonel Nathanael Fiennes, shewing the reasons of their sad resolutions; wherein, amongst other miscarriages of the King's reign, was represented his breaking of Parliaments, the betraying of Rochel, his refusal to suffer any inquiry to be made into the death of his father, his levying war against the people of England, and his rejecting all reasonable offers of accommodation after several applications to him on their part.²⁷

C. H. Firth, in his edition of Ludlow's Memoirs, added a note that a correspondent to Lord Lanark believed the declaration to have been brought to the House by Fiennes, but

25. As above.

26. As above

27. Ludlow, Memoirs i. 182. Though the style and tenor of the Ludlow manuscript has obviously been sanitised and secularised between the 'original' edited by Blair Worden, A Voyce from the Watch Tower (Lond 1978), and the edition supposedly made by John Toland, which was edited by Firth, I have some reservations that the actual facts of the edition were tampered with as much as Worden implied.

to have been "penned by Sadler"²⁸. If the declaration to which Ludlow referred was written at this time, it would provide an early example of the genre which was to become common in the anti-Charles literature of late 1648: instead of fixing on one, specific 'crime', the radicals chose rather to chronicle a list of mistakes, crimes, evil intentions and misjudgements from the whole of Charles' life. Charles was increasingly shown as someone who had consistently ruled tyrannically, or shown evil intent towards Parliament and the people, rather than recent, and untypical, culpability for the war.²⁹

The action of the King in forming an alliance with the Scots, and the revival of anti-Scots feeling, sparked off a fresh wave of radical pamphlets. Henry Marten carried on Challoner's attack on the Scots' Commissioners, in defence of the "rights, laws and liberties" of the English and their Parliament. He warned that they would achieve those rights by conquest, and that Charles was a "broken reed" if they sought to lean on him for peace. To the Scots he declared,

You are come to a degree beyond being friends with him(Charles), to be advocates for him, not in mediating that his submission might be accepted, his crimes obliterated, and their salary remitted, but in asserting the same

28. Ibid. i. p.182n

29. There was a spate of pamphlets published towards the end of 1648 which reminded readers of the long history of suspicion which had surrounded Charles. These tended to be reminders of what had befallen his ministers, their inevitable doom at the hands of an avenging God, for example, *The Downfall of Greatnesse for the losse of Goodnesse* about Strafford, and, *The fore-runner of Revenge* about Buckingham, in *Somers Tracts*, v. pp.270-3 and 437-444

cause which we have been all this while
confuting with our swords...³⁰

Marten discussed the question of constitutional balance in a novel way. "A King is but one Master", he declared, "and therefore likely to sit lighter upon our shoulders than a whole Kingdom, and if he should grow so heavy as cannot wel be born, he may be sooner gotten off then they"³¹. Whilst his main target was the Scots, and therefore his purpose was to show they were even worse than the King, Marten had nevertheless set up the position in which the single person of the King was balanced against the interests of the whole nation - a situation which was becoming easier to demolish.

This pamphlet of Marten's was another transcript of a speech made in the Commons. Sir John Maynard, who followed him in the debate, and who represented traditional Presbyterian moderation, also produced his speech as a pamphlet which Thomason copied in manuscript. It was far from clear whether Maynard distinguished the powers of the office from those of the person:

Contrary to the oath of Allegiance, Protest-
ation Vow and Covenant, hee hath spoken against
y^e Kings person... Against the fundamentall Laws
of the Realme, he hath spoken against the
Royall power which you have acknowledged to be
the ffountaine of Justice.³²

30, Henry Marten, The Independency of England, p.17

31. Ibid, p.24

32, (Sir John Maynard), "A Speech in Answer to Mr Martyn", written in MS by Thomason, n.d. E422(32)

The implication behind his statement was that the powers associated with Charles' person were identical to and inseparable from those of the office. In attacking a particular King, Maynard implied that Marten was attacking all kings. He also believed that Marten was trying to set up a government without kings. The radicals had praised non-monarchical regimes: Maynard criticised them:

Consider the state of Venice, Switzerland, Holland and the Hans Townes. Are not the Gentlemen of Venice, and Bughemasters of Switzerland and the Hans Towns tyrants? And what was Holland? was not the prince of Orange almost absolute...

With the passing of the Vote of No Addresses, Marten published another tract, in support of the vote. He expanded on his views concerning the separation of person and office:

Then he is to be received with honor, freedom, and safety. What honor He is capable of, that shall come with a Pass like an enemy, where he might have staid with the dignity of a King, I know not; but I beleeeve if ever the Parliament did Him any wrong, it was with giving Him; after the desertion of His Trust, the same respect which is usually rendered unto the Kingly office, when duly administered.³³

Marten described a situation in which Charles Stuart had broken the trust given to him at his coronation. That trust provided the link between the person who was King and the authority which accompanied his role. Therefore, at the coronation, the person of the King was solemnly joined with

33, Marten, The Parliaments Proceedings Justified, p.5

the authority which was vested in the office. With the breach of trust, the link between person and office was broken, and it fell to the Parliament to administer its authority.

Therefore:

no Treaty can be indeed autogether(sic) equal betwixt the King, and the peoples Parliament, for he deals but for himself, and perhaps for some of his own Family and Posterity; they for two whole Nations. Again, the matters to be Treated on, concern him in the extent, or the Retrenchment of his power to do hurt: They concern us in our wel being, if not in our being.³⁴

Marten made an interesting comment on the idea of setting up a straight choice, which was, in essence, what the debate on a balanced constitution was about - either the treaty restored the King's rights or guarded the people's rights. In turning down the opportunity of the Newcastle Propositions and the Four Bills, Charles had missed the chance to return to the traditional relationship between the kingly office and the kingly person, in which the person was honoured *because* he legitimately exercised the authority of the office³⁵. Marten implied that by denying the treaty, Charles had set up the dichotomy which presented the Parliament with a direct choice between total capitulation and republicanism: Charles was, "to this day set in his heart, upon being either an absolute Tyrant over us, or no King"³⁶.

34. Ibid, p.10

35. As above

36. Ibid, p.14

Robert Parsons rehearsed his arguments for proceeding against the King for misgovernment, which he said were the result of a conference, in a pamphlet dated 31 January, 1647.³⁷ The likelihood of a new outbreak of war, occasioned directly by Charles' duplicity, had encouraged new groups of people to question the legitimacy of government without him. Ludlow recounted that Cromwell was attempting a reconciliation between the radical and moderate factions, calling a number of meetings in London.³⁸ The radicals apparently laid their cards on the table, arguing that Charles had broken his trust, should be proceeded against and an "equal commonwealth" erected instead of kingly government. Cromwell, and the other grandees, however, refused to be drawn into expressing any view, which seemed to confirm the radicals' fear that Cromwell was not to be trusted. The radicals argued that monarchy was not good in itself, an argument they drew from I Samuel 8. They also argued that monarchy was not good for England, and cited recent history in their defence. They agreed that the English people had, in the past, agreed to put themselves under single-person government, but "the King had broken this oath, and thereby dissolved our allegiance; protection and obedience being reciprocal"³⁹. A verse from the same period gives a flavour of the confusion which the failure of monarchy had left, and the fear of the anarchy against which the Army

37. Robert Parsons, Several Speeches Delivered at a Conference, 31 Jan., 1647(8), E521(1)

38. Ludlow, Memoirs, i, pp.183-4

39. Ibid., i, p.184

grandees had warned:

Then lets ha' King Charles sayes George,
Nay lets have his son sayes Hugh,
Nay then lets ha' none sayes jabbering Jone,
Nay lets be all Kings sayes Prue.⁴⁰

Radicals kept up the pressure on the Commons and throughout the summer of 1648 the petitions which reached Parliament were mainly from London civilians. They attacked the Parliament, which, without the presence of those radicals who had again taken the field, had revoked many of the Acts they had secured early in the year, particularly the Vote of No Addresses. These pamphlets were quite sophisticated, arguing against a personal treaty. One which reached Thomason on August 18, seemed to echo Sexby's statement at the start of the Putney debates, though it was directed at Parliament, and not the grandees:

under pretence of satisfying all Interests, one Interest shall be set up against another to divide us: And that thereby having laid no foundation of safety before-hand, the King might set up His Interest above them all.⁴¹

Another civilian petition, of around the same time, had a similar message. The Lords were corrupting the Commons, it said,

and [werel] ready to trample upon their authority, and erect that of the Lords and Kings, (which indeed are both one) above the power of the people in the House of Commons... So that now we not only see, but begin to feele, that the ground of all our wars, and the continuance of them, and

40. The Anarchie, Th, 11 Jan., 1647(8), 669, f. 11(114) n.p.n.d.

41. The Peoples Eccho(sic) to the Parliaments Declarations, Th, 18 Aug., 1648, p. 1

of all our miseries been and is, to erect the power of the King and Lords, above that of the people, in the house of Commons.⁴²

The new war provided the constitutional radicals with a wave of new supporters and a cutting, bitter edge to their thinking. Charles' part in it, provided them with a single, sharp focus for their frustration and hostility. This was demonstrated by the Army prayer meeting which took place at Windsor in April/May 1648, related in retrospect by the republican agent, William Allen. Though there were other similar prayer meetings, this was the only one to be described in such detail. The soldiers met over three days. On April 29, they first assembled to, "[inquire] into the causes of that sad dispensation". On the 30th they questioned their own conduct since the New Model was formed, and on the third day they 'realised' that they had sinned by continuing to hold "cursed carnal conferences" with Charles. They acknowledged that God,

did direct our steps, and presently we were led and helped to a clear agreement amongst ourselves, not any dissenting, that it was the duty...to go out and fight against those potent enemies which for that year in all places appeared against us...also...if ever the Lord brought us back again in peace, to call Charles Stuart, that man of blood, to an account for that blood he had shed..⁴³

42. Englands Troublers Troubled, Th.17 Aug., 1648, E459(11), p.3

43. William Allen, A Faithful Memorial of that Remarkable Meeting, Th.27 April 1659, E979(3), and also, Kenyon, Stuart Constitution p.318

There are a number of points to mark here. The soldiers appeared to be several steps behind the radicals in Parliament, who had decided four months previously that Charles was untrustworthy as a negotiator. Neither was this the first reference to Charles, 'the man of blood'. In October 1647, *A Cal to All the Souldiers of the Armie*, had denounced negotiations with Charles with the same phrase. Allen also gave the impression that the unity of the Army was total, as if a sudden realisation had struck them, brought about by the unifying effect of the Holy Spirit. In fact, though they were far outweighed by the deluge of anti-Charles tracts, some pro-treaty Army petitions do survive. It may have been the case that all of those present at Windsor were of one opinion, and that known moderates were either excluded, or had assumed a foregone conclusion. Since Allen was writing in 1659 in support of the Good Old Cause, he may have deliberately exaggerated the unanimity which was achieved in 1648. Most likely, he was in the process both of deluding himself that this was the unanimous opinion of God's own army, and of deluding the public, to whom his tract was addressed. The Army had chosen to examine the reasons why sporadic, royalist riots had broken out around the country and, combined with Charles' untrustworthiness and the Scots' invasion, they focused their wrath on the person of the King. The guilt was entirely personal, not tempered by the mediation of counsellors or by misjudgement: it was the wilful act of an evil man. Their revenge would also be entirely personalised.

The published contributions of the New Model soldiers were not as sophisticated as those which came from civilians. However, they were full of invective against Charles, comparing him to the tyrants of the Old Testament. They charged him with the guilt for all the blood that had been shed in the wars, and called on Heaven to wreak vengeance against him. It is noticeable that these Army petitions came from particular sources. Foremost amongst these were the garrisons of the North-East who sent the first of many anti-Charles petitions, dated 11 September 1648. Their second petition, on November 25, seemed to include their commanding officer, Colonel Hewson, and implied they were calling for franchise reform and a non-monarchical government. This type of pamphlet was unusual from the Army, which tended to combine a call for justice on all delinquents with the statement that, "the same fault may have the same punishment, in the person of King, or Lord, as in the person of the poorest Commoner"⁴⁴. This call was submitted by the agent Henry Clare, who had been active since the summer of 1647. He was an agent in Ireton's regiment, and had published a similar petition several days previously⁴⁵. These petitions were from the agents of Ireton's regiment, and implied that their commander had not yet made up his mind to join in their demands. Petitions also came from

44. The Articles and Charges of the Officers and Soldiers, 20 Oct., 1648, E468(23), p.3

45. The True Copy of a Petition, Th, 19 Oct., 1648, E468(18)

the regiments commanded by Fleetwood, Whalley, Barkstead, Harrison, Pride, Deane, Wharton, Lambert, Scroop, and Saunders; the soldiers of these last two being particularly active. It seems clear that this pressure was coming from the agents and soldiers of these regiments, supported by some of the more radical officers. It put severe pressure on the Army Council, and by November 20 it sent its own *Remonstrance* to Parliament - a huge petition in which were hidden similar calls for justice⁴⁶. The Council claimed that after forcing Charles to confess some of his 'crimes' and make some moves towards peace, the Parliament had capitulated, and the King had stirred things up again:

such a person in so doing (wee may justly say is guilty of the highest Treason against the highest Law among men, but however) must needs be the author of that unjust warre, and therein guilty of all the innocent blood spilt thereby, and of all the evils consequent or concomitant thereunto.⁴⁷

Fairfax, and the Army Council, were still troubled by radical agitation within the Army. Though they were concerned to maintain the unity of the New Model, and were therefore prepared to support their troops' calls for justice on delinquents, there were those who used the opportunity of the war to raise soldiers who were not subject to New Model discipline. On 25 May, 1648, it was proposed in the Commons

46. A Remonstrance of his Excellency, 20 Nov., 1648, 669, f. 13(47)

47. *Ibid.*, p. 23

that the Derby House Committee should have the authority to grant commissions to raise forces, under nominated commanders, for the defence of local communities. The vote was lost, though Ludlow, Dove and Herbert were granted a similar commission for Wiltshire in September. However, several radicals seemed to have ignored the fact that this measure was not passed.

Henry Marten was busy from the summer of 1648 raising auxiliary troops in his native Berkshire. His soldiers owed their ultimate allegiance to the people, but their immediate loyalty, after Marten, to General Fairfax. Marten re-emphasised that his were not mercenary soldiers, but were fighting for a particular ideal, "the Peoples Freedom against all Tyrants whatsoever". They were also reputed to be enthused with the principle of *salus populi* and meant, with these troops to guard the rights which they felt were due to the people, though they did not define what these were. They admitted they were against tithes.⁴⁸ *Mercurius Pragmaticus*, from which this information came, added that they were mainly agricultural labourers, probably from Marten's own estates. Marten was already notorious for teaching his tenants not to remove their hats in court when doing jury service, telling them they were the highest legal authority and therefore had

48. Marten retained a life-long opposition to tithes, see his correspondence with the Chidleys, Marten-Loder MSS, Brotherton Collection, Leeds, Political and Miscellaneous vol.2, fol.10

no call to show subserviency. When, on November 25, Marten issued a commission to Simon Rice to be a cavalry captain, he claimed that his authority to issue commissions was based on, "that right which I was borne to as an Englishman, and in pursuance of that duty which I owe my said country". Their aim was, "the recovery of their freedome, and for common justice against (all) tyranny whatsoever".⁴⁹

To the conservative grandees, and the even more conservative Commons, these were principles which sounded like Leveller agitation. The moderate-dominated House reported to Fairfax that Marten had been summoned to attend, and, "the Horse raised by them [was to] bee disbanded & restor'd to y^e parties' from whom they were taken"⁵⁰. Marten was accused of having poached soldiers from other regiments. On August 21, Major Fincher, who was commanding those neighbouring forces, was ordered to forcibly suppress Marten's activities, but obviously failed, since in September, a news-sheet reported that the soldiers had been plundering until Marten issued an order that they must behave civilly. When the soldiers arrived at Market Harborough, the townspeople were so alarmed that "the Levellers" made a proclamation near The Swan and at the cross, "that no violence or wrong should be executed upon any, neither would they in the least disturb or hinder the

49. Camden Society, "Clarke Papers" ii, p. 56

50. Clarke MSS cxiv fol. 67

Market"⁵¹. Later that month, when the House came to review those Members who had not been given leave of absence, Marten was among the 26 MPs who were not excused their non-attendance. 200 were excused, and those who were not were said to be those, "who they thinke are doing ill services in their Counties"⁵².

Also doing 'ill service' in his county of Leicestershire, was Thomas, Lord Grey of Groby, son of the Earl of Stamford. Groby, though he played an important part in the 1649 settlement, produced few records from which to elicit his opinions. However, one pamphlet was published in his name, and it reflected the same patriotic and populist concerns as those of Marten. A reprint of a letter to Major-General Skippon, it was entitled, *Old English Blood Boyling afresh in Leicestershire men*⁵³. In reaction to the Scots' invasion, the pressure for a personal treaty, and the reluctance to push the war to a conclusion, Grey had raised his own troop. His men, he claimed, were not concerned with pay or quarter, since their 'pay' was to serve the cause. They would, "(with our

51. Terrible and Bloody Newes from the Disloyall Army in the North, Th. 11 Sep., 1648, E462(28)

52. Clarke MSS, cxiv fol. 80, 26 Sep., 1648

53. Thomas, Lord Grey of Groby, Old English Blood Boyling Afresh in Leicestershire men, Th. 28 Aug., 1648, E461(7). I am grateful to Dr. Martyn Bennett, University of Loughborough, for background information on Grey, the poor opinion of the military prowess of whom seems to have been undeserved, Grey had only just reached his majority when elected for Leicester in 1640, and little account was taken of his youth when he was in command of forces in the East Midlands, being the only landowner in the area of any note who declared for Parliament.

worthy Neighbours in the Easterne Association, or any others like minded)...resolve (with Gods help) rather to dye free Englishmen, then to live hewers of wood and drawers of water to base men whose mercies are Cruelties"⁵⁴.

John Pyne was MP for Poole in Dorset, but was a native of Somerset. During the latter part of 1648 he was busy securing his county, and lobbying in support of the radicals' cause.⁵⁵ This was also the case with Alexander Rigby in Lancashire. Like Marten, Rigby was well regarded by the Levellers. These two, along with Thomas Scot and Thomas Challoner were named as a parliamentary committee to negotiate with the Levellers over the *Agreement of the People*⁵⁶. When Lilburne was again in the Tower in April 1649, he suggested another conference, this time between Cromwell and Ireton on the one hand, and the Leveller leadership on the other. Each side was to choose two parliamentary referees; Lilburne chose Marten and Rigby. The loyalty which was demonstrated to John Lambert in 1649, by civilian communities in the north who were pledged, with him, to keep out monarchy, arbitrary government and tyranny, suggests that perhaps Lambert too, was building up a power base of his own at the end of 1648.⁵⁷

54. Ibid. p.3

55. See Greaves and Zaller (eds) Biographical Dictionary, and Articles of Treason Committed by John Pine of Curry Mallet, Th.10 March, 1648(9), 669, f.13(92), and D.Underdown, Somerset

56. See DNB and Greaves and Zaller, also, Lilburne, Overton, Prince, The Picture of the Council of State, Th.11 April 1649, E550(14), p.22

57. Nehemiah Reinoldson, A Declaration from the Northern Associated Counties, 14 Feb., 1648(9), E544(6). Though Clement Walker was not a reliable source, he

Therefore, by mid-1648, there were two factions, pulling in roughly, but not precisely, the same direction. One was led by a small group of radical MPs, particularly Marten, Challoner, Rigby, Grey of Groby, and until his murder, Rainsborough.⁵⁸ These were joined, early in 1648, by like-minded MPs such as John Lisle and Edmund Prideaux. The other faction was led by the grandees of the New Model Council of War. They were led by Fairfax, Skippon, Cromwell and Ireton. At various times they supported either the pro- or anti-treaty factions depending on circumstances and the behaviour of the King. At the point at which the Vote of No Addresses passed the two Houses, the grandees were supporting the radical, anti-treaty faction, because Charles had kindled and fanned the flames of a new war.

As a result of the outbreak of the second war, the interests of the anti-treaty radicals and the Army grandees increasingly dovetailed. Both were now interested in preventing the moderates from securing a personal treaty. If Charles were victorious, Cromwell and his allies would have difficulty in securing an indemnity, and once they had been

suggested that the same may have been true of Skippon's London militia. See Murray Tolmie, The Triumph of the Saints p.175

58. Rainsborough was murdered during the siege of Pontefract, supposedly by Royalists, though his death was mysterious to say the least. He left behind him grieving levellers, soldiers, sectarians and republicans, who marked his death with elegies and calls for the revenge of his death. For example, the petitioners from Rutland, To His Excellency the Lord Fairfax, 24 Nov., 1648, 669, f, 13(47)

forced to fight, they had an interest in maintaining the unity of their army. The revelation of Charles' duplicity had strengthened their view of his iniquity and the urgency to defeat the 'Babylonian arm of the flesh'. The radicals in Parliament, at least those who thought first in biblical terms, had long believed Charles to be an arm of the flesh. They had capped a long struggle with the conciliatory members of the Commons by securing a vote against further addresses to Charles. In order to achieve this they had won over New Model officers who were Members of the Commons. If they were to maintain their control of the Commons, they needed to keep the support of the Army Members. The language of civilian and military literature concentrated on similar aims, therefore. They stressed their opposition to a personal treaty and to those aspects of the proposed treaty which threatened their own safety, particularly the King's veto.

With the second civil war, the rules had been changed. However, the more conservative grandees were still anxious that the changes which the victory had brought should not be revolutionary ones. Cromwell, from his letters in late 1648 was clear that God had delivered a providential judgement against Charles, and that he would receive the most severe judgement from God in the after-life. However, he was not convinced that the Army or the Parliament had the authority to judge him on earth, and certainly not to hasten his journey to the next world. However, there were more pressing practical

problems facing the radical group. They had lost the advantage when they had deserted the House to join the Army. The moderates had revoked the Vote of No Addresses. If the radicals were to ensure that their proposals for settling the kingdom were to be implemented, more radical action was needed against the 'malignants' in the Commons. Ludlow went to the Army, but found them still favouring a peace treaty:

I went to Commissary-General Ireton, ... we discoursed together upon the same subject, wherein we both agreed that it was necessary for the army to interpose in the matter, but differed about the time; he being of the opinion, that it was best to permit the King and the Parliament to make an agreement, and to wait till they had made a full discovery of their intentions... My opinion was, that it would be much easier for the army to keep them from a conjunction, than to oppose them when united...⁵⁹

Ludlow stated that he was convinced from an early stage that their settlement could only be secured by a purge of Parliament. As he described it,

seeing there was more than a sufficient number of members in the Parliament to make a House, who were most affectionate to the public cause, it would be proper for the army to relieve them from those who rendered them useless to the publick service, thereby preserving the name and place of the Parliament, than for the members thereof to quit their stations wherein they were appointed to serve, and to leave the civil authority in the hands of those who would be ready to fall in with any power that would attempt to frustrate what should be agreed on by them and the army.⁶⁰

The Army grandees, particularly Cromwell and Ireton,

59. Ludlow, *Memoirs* i, p.204

60. *Ibid.* i, p.206

preferred a dissolution of Parliament and fresh elections, a position which they outlined in their *Declaration* on November 30⁶¹. They were to repeat their call for elections throughout 1649.

However, the purge versus elections debate was brought to an abrupt conclusion by the Commons' vote on December 5, that the King's answers to the propositions of both Houses were a sufficient basis from which to conclude terms. The vote was passed by 129 to 83, after twenty-four hours debate. Colonel John Hutchinson, Ludlow, and two others, apparently called for their dissent to be registered by the House, but it does not appear in the manuscript or the printed version of the Commons' Journals.⁶² Either later that day, or early on the morning of December 6⁶³, at a meeting with, "some of the principal officers of the army" - the words are Ludlow's - after a "full and free debate", it was decided that a purge was the only possible way to prevent a settlement with the King. On the morning of December 6, Colonel Thomas Pride commanded a battalion of soldiers at the entrance to the Commons, together with a regiment commanded by Colonel Nathaniel Rich. Lord Grey of Groby, and "others" - according to Ludlow's account - assisted him in identifying those MPs

61, The Declaration of His Excellency, 30 Nov., 1648, E474(13) p.5

62, Lucy Hutchinson, Memoirs of Colonel Hutchinson, (London 1965) p.263 and Ludlow, Memoirs, i. p.208

63, Ludlow, Memoirs i. pp.209-210

who were to be arrested and/or excluded. 110 MPs were barred by the Army and another 160 ceased to attend out of fear, disgust or prudence.⁶⁴

The purge which took place on 6 December, 1648, has been named by history after the officer who barred the progress of the Members. 'Pride's Purge' however, would appear to have been the result of pressure from the radical Members of Parliament. They finally got the Army to do *their* bidding, forced by fast-moving circumstances into making a rushed decision. Grey would appear to have been a prime mover. Even if he had not been one of the three MPs to whom Ludlow referred, he was obviously trusted by the radical group to oversee the barring of pro-treaty Members. Those who were barred were identified as those who stood in the way of a treaty which did not include King Charles. This is not to say that the colour of the Parliament which remained on December 7 was uniform. It was not a foregone conclusion that the Houses would vote to set up a High Court - and indeed the Lords did not - or that the Commons would agree to Charles' trial or his sentence. The primary aim behind the purge was to restore the

64. The figures are from Blair Worden, The Rump Parliament p.23. There is some confusion with the numbers in David Underdown, Pride's Purge, since they two use different categories. Marten's comment was, "what they (the Army) did upon the 4th December 1648 (an interesting lapse of memory) be made the p'cedent and rise of all this, and therefore many wise and honourable patriots, were so scrupled and unsatisfied therewith, that the Comonwealth hath been ever since deprived of the benefit it received by their Counsellis...", Marten-Loder MSS, Polit. and Misc. vol.2, p.24 fol.2b

situation which pertained in February, though Charles' role in the second war had sharpened the focus of the attack.

When the first division after the purge, on December 7, recorded the number who were attending and voting, there were seventy-eight Members who registered their votes in the Commons.⁶⁵ Between 7 December 1648 and 26 June 1649 the number of Members who voted in divisions rose over seventy on only three occasions, at that first vote after the purge, and on 5 and 6 February, when it reached 77 and 73, respectively. On 6 February, the House decided not to seek the Lords' concurrence with their actions, but to bring in an Act to abolish them. The more usual number of voters was between 42 and 48, even at the end of June. Nevertheless, Ludlow believed this Rump carried the authority of the House, and they continued to act as such. Their first concern was to reverse the Acts of the summer. In many cases this meant re-establishing Acts and Orders which the moderates had revoked. On December 12 it was decided that, "the Vote for Revocation of the said Votes (that is, the Vote of No Addresses) was highly dishonourable to the Proceedings of Parliament, and apparently destructive to the Good of the kingdom"⁶⁶. In other words, to reverse a decision which had already been taken by the House was dishonourable, but it had also led directly to the start of another civil war. Ending negotiations with Charles would have prevented the

65, CJ vi, p.95

66, CJ vi, p.96

war, so the House implied, whereas continuing to conciliate him had encouraged his tyrannical spirit to stir up unrest.

The same day, the Commons reversed the banishment of seven of the 'chief malignants' - Goring, Holland, Capel, Lingen, Loughborough, Laugharne and Owen. On the face of it, this was a conciliatory move, but their banishment was reversed so that they could be brought back to Parliament to face trial.

Goring, Holland, Capel and Owen were subsequently to go before the High Court of Justice, as was James, Earl of Cambridge, whose £100,000 fine was revoked, and who was to remain in jail, to be "left to Justice".⁶⁷ A committee was set up to organise elections in such a way as to bar the return of "malignants" and the vote of 2 August, 1648, which set up Parliamentary Commissioners to negotiate the Personal Treaty, was made void.⁶⁸

Together with these negative moves to reverse the actions which Parliament had taken before December 6, there were a number of more positive moves to protect the purged Parliament. At this stage, before the settlement proposals had been agreed, this also meant protecting the Army. Several moves were made to ask the Army to explain the action it had taken on December 6. On one such attempt, on December 20,

67. Goring, Capel, Laugharne, Owen and Cambridge were to face a High Court of Justice, similar to that which tried Charles.

68. The House also voted that the vote to allow the eleven Members to resume their seats be reversed.

Gregory Norton, Grey of Groby and Sir Gilbert Pickering combined, albeit unsuccessfully, to try to prevent the House from renewing its messages to the Army. Despite the Commons' repeated insistence that it release the members, the Army officers remained taciturn.

The most comprehensive attempt to monitor the membership of the Commons, was that obliging Members, as a condition of their taking their seats, to register their dissent to the vote of December 5. This could have been regarded as the first measure to expand the Commons in order to make it more 'representative', but it seems, in the light of other moves, rather to have been a way of restricting the Membership to those who would be fully committed to a settlement without the King. Most of these registrations of dissent were erased by the Commons' clerk in February 1660, when the restored Long Parliament tried to cover its tracks and protect its members.⁶⁹ Though it may have been easy for a Member to

69. Underdown claims to have deciphered most of the names which have been obliterated in the Commons' Journals. Some of these, I fear, are the result of inspired guess-work. I attempted to bring science to the historians' aid by subjecting the documents to different light filters, but nothing has so far improved matters, since the two levels of ink are only 11 years different and are of the same composition. Nevertheless, I am grateful to Steven Ellison of the House of Lords Record Office, the staff of the British Library

declare that he now disapproved of that vote, even though at the time he had voted in favour, this was not an attempt by the pro-treaty lobby to return to the House at the price of compromising their consciences. The way of registering dissent was to become institutionalised as, "'A.B.' did dissent", but was often recorded as 'such and such a member was present on December 5 and did declare his dissent', implying that the list of dissentients were the committed supporters of the 1649 settlement. It was a way of making sure that the House would not be distracted from its business of settling the nation by internal pressure to return to a personal treaty.

The remaining members of the House of Commons nominated a committee on December 23, "to consider how to proceed in a way of Justice against the King, and other capital Offenders"⁷⁰. Three days later, the same committee was charged with presenting, "some general Heads concerning a settlement"⁷¹. It is interesting that this committee at first consisted of thirty-five members, some of radical hue, but also the chief legal minds who were generally regarded as conservative. When the proposals concerning the King reached their second reading they were committed to a smaller group of thirty, of whom only Scot, Allen, Thomas Challoner, Purefoy,

Conservation Department, and the Dr. Audrey Giles of the Metropolitan Police Forensic Science Laboratories for their help.

70. CJ vi. p.102

71. CJ vi. p.105

Corbet, Millington, Fry, Atkins and Marten survived from the original. The law officers were taken off, as were several radical MPs such as Lisle, Grey of Groby, Holland and Mildmay. The new committee had a far more military feel to it, adding figures like John Blakiston, Sir John Danvers and Oliver Cromwell. The committee may have been changed because of the internal diversity of views. Bulstrode Whitelocke, who was named to the original committee, was probably referring to its discussions when he wrote under his account of December 23,

some of them were wholly against any king at all; others were against having the present king, or his eldest or second son to be king; others were for the third son, the duke of Gloucester, (who was among them, and might be educated as they should appoint) to be made king.⁷²

Whitelocke's more analytical judgement would seem to be flawed, however, for he believed that the Army had made the sitting Members their "stales", "to do their most dirty work for them". With the Members unable to come to a decision, and slow at expediting the trial arrangements, the committee was turned over to the pro-military members. They may have considered the Army members to have had a more single-minded approach to Charles' trial which it was necessary to implement with some speed if the constitutional debate was to be set in motion.

Whitelocke's relation of the debate in the constitutional committee suggests that a group of regicides were proposing

72. Whitelocke, Memorials, ii. p.481

other members of the Stuart family to replace Charles on the throne. They were committed to a single-person executive but were forced, once Charles had been executed, to admit that they could not possibly reinstate a Stuart monarch who could prosecute them for their actions. Their single-minded approach to the defeat of Charles and their lack of constitutional alternatives meant that they had no option but to fall in with the constitutional plans of the republican group. The republican MPs could not have secured their form of settlement without the help of the Army. The Army supported them in the Vote of No Addresses, sheltered them in time of war, and removed their opponents in the House at Pride's Purge. One of the first actions of the purged parliament was to thank Cromwell for the loyal support of himself and the Army.⁷³ It sounded like a specific vote of thanks for their help in securing a compliant House. With Army support, the radicals were able to set up the High Court and bring Charles to justice.

73, CJ vi, pp.94-5, 7 Dec., 1648

On 1 January 1649, Henry Marten reported from the new committee. Its first decision was, "that by the fundamental Laws of this Kingdom, it is Treason in the King of England, for the time being, to levy War against the Parliament and Kingdom of England"⁷⁵. A space was left for the Lords' concurrence, which never came. The vote which went to the Lords was in two clauses, which the Lords separated. The first repeated the claim that it was treason to levy war against Parliament; the second was, "an Ordinance for erecting an High Court of Justice, for Tryal of the King"⁷⁶. This separation of the two clauses, and the fact that the treason clause was stated first, added to the belief that the managers of the trial would do everything possible to ensure a guilty verdict. Indeed, every contingency was taken into account. A letter of January 3 stated that should the King refuse to accept the authority of the High Court, his silence should be taken as a confession of guilt, a situation which duly arose⁷⁷.

When the Commissioners to the High Court of Justice which was to try the King were named, not everyone agreed to sit. John Corbet, who was possibly Presbyterian by religion⁷⁸ though as a supporter of the radical faction he was not

75, CJ vi, p. 107

76, CJ vi, p. 108

77, Clarke MSS cxiv fol. 160

78, Greaves and Zaller, Biographical Dictionary

excluded at Pride's Purge, declined. Sir Arthur Haselrig disapproved of both the purge and the trial and refused to serve as a Commissioner, though he had been active in supporting measures to exclude the King during 1648 and was to loyally serve the Commonwealth government. Humphrey Salway and his son, Richard, natives of Worcestershire, also declined their commission. Sir Peter Wentworth, who had been such an active ally of Henry Marten over the Vote of No Addresses, wrote to the speaker saying that he was kept at home by sprained muscles caused by a fall.⁷⁹ Others, like Edward Whalley attended only a few sessions.

The signatures on Charles' death warrant appear to have been the result of careful organisation, though there is little evidence to support the claims that men trembled as they signed or that their hands were forced by Cromwell. On the contrary, the effect which the death warrant produces is that of initial signatures which were bold and expansive, and the later ones crammed together as subscribers realised they had more signatures than would comfortably fit the paper. Fifty-nine people signed the death warrant, of whom forty-four

79. As above

were MPs. Of the MPs, eighteen had been elected to the Long Parliament before 1642, and twenty-six were 'recruiters'. There were several constituency pairs: Lord Grey of Groby and Peter Temple from Leicester, along with Henry Smyth from the shire. Both Harrison and Ingoldsby represented Wendover; Simon Mayne and Thomas Scot sat for Aylesbury, and Fleetwood from Buckinghamshire. Sir Michael Livesey and Augustine Garland represented Queensborough, on the Kentish coast; Daniel Blagrave represented Reading, and Henry Marten was the Member for the county of Berkshire. Oliver Cromwell was MP for Cambridge and Valentine Wauton was the Member for the neighbouring county of Huntingdonshire.

Though the House was careful to cultivate the support of the grandees at the end of 1648, there soon came a point at which their help was no longer needed. It is remarkable how quickly that point came. The Army relied on the 'Rump Parliament' to implement the kind of reforms which the Army had outlined in their declarations, to end free quarter and to provide them with pay. However, once Charles had been tried, the radical group had the upper hand since they had control of the Commons. The Army had admitted that the Commons was the sovereign body and should not, except under exceptional

circumstances, be coerced by force.⁸⁰ Having accepted that those MPs who remained after the purge could legitimately sit in the House, by very virtue of the selection which the purge represented, they could not then gainsay that by withdrawing their support.

It could be argued that the Army's last attempt to have a say in the constitutional structure which would emerge after the trial and probable execution of the King was running parallel with the moves towards purging the House and establishing a High Court of Justice. What finally emerged as the second *Agreement of the People* was originally designed to be a written constitution which overrode all statute law, and which was binding on every individual whether magistrate or commoner. John Lilburne described the way in which it had come about, albeit from a biased viewpoint, in *Legal Fundamental Liberties*. It is an account which must be used with caution, especially as it was written six months after the events it purported to describe, at the height of the Army's disillusionment and bitterness towards their officers, particularly Cromwell and Ireton. However, it does fit the pattern of military mistrust of the grandees which had begun

80. Marten made the point to Cromwell in 1653, when declining a nomination to 'Barebones Parliament': "the grounds and p'tences upon which they made that invasion (Pride's Purge), were so different from, and contrary to the ends of this (Cromwell's dismissal of the Rump)...the first being to place the power in the People, and so Constitute and restore a Commonwealth, and this latter to take the power from the people...", Marten-Loder MSS Polit, and Misc. vol.2 p.24, fol.2

around 1647, and which was in large part responsible for the collapse of the radicalism of the 1649 settlement because of the increasing divergence of the grandees from the other architects.

Lilburne noted that negotiations towards an *Agreement* began in November 1648, and were then conducted between the Leveller leaders, Lilburne and Wildman, the grandees, and the 'civilian Independents'. Eventually, it was decided to instigate four-way negotiations amongst a group of sixteen: four Levellers, four grandees, four Independents, and four MPs. It is noteworthy that the parliamentarians were regarded as a separate 'interest' for this purpose, and that the four chosen represented the radical, republican wing of the House. They were, Henry Marten, Thomas Challoner, Thomas Scot, and Alexander Rigby. Of these, only Marten took an active part. We do not know the views of the other three MPs, though Challoner and Scot may have pleaded that their role on the Commons' constitutional committee took up their time. However, Marten was also named to that committee and appears to have taken an active part in its deliberations, so he must also have had a greater commitment to the consultative and conciliatory process which the *Agreement* represented. Lilburne claimed that a document, entitled *An Agreement*, which had received the assent of all the parties present, emerged from their negotiations. He published a version of it as, *Foundations of*

Freedom.⁸¹ It comprised a basic constitutional statement of the sovereignty of the people and their representatives in Parliament, the need for regular and 'representative' elections, the ending of feudal privileges and a statement that the *Agreement* constituted the supreme law. Lilburne claimed that the officers agreed this document, though they subsequently chose to use it as a starting point in debates amongst the General Council of Officers, and produced an amended, less straightforward, more legalistic document, which they presented to the House on January 20. To Lilburne, this was yet more evidence of the deviousness and perfidy of the grandees, and of Ireton and Cromwell in particular. They were more concerned, claimed Lilburne, with using their military strength to purge Parliament, and with their "mock" creature parliament, to set up their High Court and execute the King. They were not concerned with securing the rights of the people.

This account also points to a reason why the House was so dismissive of the *Agreement of the People* when it was eventually submitted to them by the officers on 20 January. Of the four MPs who were to have represented the House in the negotiations, only Marten had actually been present, and the document presented no longer represented which he had been working on for it had been amended by the Council of Officers

81, [John Lilburne], Foundations of Freedom, Th. 10 Dec., 1648, E476(26)

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alone. It was, in fact, a statement of the position of the grandees, and an attempt by the Army to further influence the direction of the House. After Pride's Purge the House did not trust the Army and resented their claim to have a right to interfere in legislation. The failure of the *Agreement* left the House resentful of the officers' presumption.⁸⁰

In their petitions to the Commons the officers repeated their demand that the House dissolve itself as soon as was conveniently possible, and hold fresh elections under the *Agreement*⁸¹. The House believed that any attempt to hold nationwide elections whilst the constitution was being finalised and established would seriously destabilise their settlement. When the Army presented their *Agreement* on 20 January, 1649, the reaction of the House was far from supportive.⁸² The Army's messenger, Lieutenant-Colonel Hammond, was told that they would take the *Agreement* into consideration, "with what possible Speed the Necessity of the present weighty and urgent Affairs will permit"⁸³. By way of

80. The treatment of the second version of the *Agreement of the People* also alienated the Levellers and their allies among the soldiers who, in attacking Ireton and Cromwell in government as well as in the Army, helped to undermine the stability of the Commonwealth. See chapter 7. The second *Agreement* is treated in some detail by Woolrych, *Soldiers and Statesmen*.

81. CJ vi, p.93, for the officers' Agreement of the People, see, Gardiner, *Constitutional Documents* pp.359-371

82. The refusal to accept an *Agreement* whilst the House was concerned with constitutional change, would seem to confirm that it had no intention of basing a constitution on a document like the *Agreement*.

83. CJ vi, p.122

amelioration, they declared that they found good affection towards the Commons within the framework of the *Agreement*, and had therefore ordered it to be printed. It was necessary to demonstrate to the public that the purged House had the godly - and militarily powerful - armed forces on their side. However, the Commons' last statement was damning in its chill dismissal of the army's future usefulness: "this House doth take notice of your faithful and great Services to the Kingdom, in standing in the Gap, for their Preservation". In other words, when the republican group had been unable to control the House, they had been grateful for the support of the Army. Now they had restored the 'authority' of the Commons, they had no further need for their protection, and regarded them as a petitioning body, the same as any other; allowed to offer advice, and make requests, but with no automatic right to interfere with the sovereignty of the elected representatives.

The Army was relegated to a force to keep order, maintain discipline and enforce legislation - a situation which led to dissatisfied grumblings from both radical millenarians and conservative grandees within the Army. The Rump was however, able to keep control of the situation until 1652-3. For this, it had great reason to thank its republican supporters within the New Model. Those republican officers and agents⁸⁴ who had

84. It is noteworthy that the agents who were active in the first wave of Army agitation, in 1647, were those who remained loyal to the commonwealth, and perhaps because of this, or as a result of this, achieved promotion

organised the campaign against disbandment and promoted their *Agreement of the People* during 1647, continued to ensure that the Army was united behind the republican government. This, they did by the method which William Allen had considered so successful in 1648 - the prayer meeting. There were two obvious differences. The army no longer had the spectre of Charles Stuart on which to focus its fears and hostilities: the republican group therefore had greater success when there appeared to be a concrete, physical threat to its settlement and its safety. Secondly, it was no longer camped around the capital, within easy reach of each other, but scattered throughout the country, with many regiments in Ireland and Scotland. United prayer meetings therefore had to be organised by letter, many of which survive in the Clarke manuscripts. They reveal the difficulty involved in organising so many, disparate regiments and garrisons to pray at the appointed time. Many letters appear not to have reached their destination until after the allotted day⁸⁵.

through the ranks. Those agents who were part of the second wave of agitation tended towards millenarianism and were hostile to the worldliness of the regime. See Chapter 7.

85, Clarke MSS, xviii fol.13

The signatories of the letters which organised the prayer meetings were familiar: William Goff was active⁸⁶, as were the republican agents, Sexby, Allen and Chillenden, and the radical officers, Barkstead and Okey⁸⁷. Most of those whose replies survive in the Clarke Papers were similarly from a radical background. There were enthusiastic replies from Major-General Lambert and Colonel Robert Lilburne who were in York at the time of the Day of Humiliation on 30 May, 1650⁸⁸, and a less happy reply from Thomas Saunders, who was in the royalist stronghold of Oxford⁸⁹. These prayer meetings served a vital purpose in uniting the garrisons with the townspeople, attempting to 'convert' Presbyterians to support for the government, and testing the views of both civilians and soldiers for government policies. A letter of 31 May, 1650, pledged support for the campaign in Scotland.⁹⁰

The activities of the republicans from late 1647 to well into the 1650s show the degree of influence which could be exercised by a group of well-disciplined and organised political activists. They were remarkably few in number, and to a very great extent relied on circumstances and the ruthless exploitation of their opportunities to rally support to their cause. The following chapters will analyse more fully

87. Ibid, xviii fol,7

88. Ibid, xviii fol,8; xviii fol,39b; xviii fol,40-40b; xviii fol,41-41b

89. Ibid, xviii fol,40-40b

90. Ibid, xviii fol,48-48b

the political programme which they aimed to implement and the political philosophy which underlay their aims. It will also seek to examine some of the reasons why they ultimately failed to implement this programme, but were forced to settle for a conservative, but nevertheless, effective, form of administration.

CHAPTER 6: "The republican philosophy in government".

In 1649, the grandees were mindful of the need to keep the support of their troops, millenarians considered themselves representative of the views of the gathered churches, and the MPs claimed to represent all of 'the people'. However, the group who were tentatively united by the need to protect the 1649 constitution were far from agreed amongst themselves. The new government contained the witty cynicism of Henry Marten, the cautious providentialism of Oliver Cromwell, and the eschatological vision of Thomas Harrison. Their supporters in the country widened the range of social and political experience still further. They had united around a series of political and strategic moves which were aimed at the single goal of ending the need to divert all peace proposals through a devious and fickle king. The new regime had, therefore, a wide range of views within itself, but also represented a small section of the population as a whole. They lost even more potential support when they decided that the only way to end Charles' malignant role was to execute him.

As the government attempted to widen the basis of its support, it was increasingly forced to turn to pragmatic,

rather than idealistic, appeals to the people. However, it is necessary to ask whether, whilst the optimism of the new government was still untarnished, it had an ideal vision of the nation which it attempted to bring about. The MPs who moulded the 1649 settlement believed themselves to be representative of the people, and had fought to free those people from the supposed bondage of monarchy. Did their image of that freedom have any planned form, or did it develop as a series of individual responses to circumstances as they arose?

The idealism of the new government was a matter of some contention among its supporters. Again it was based on the possibility of a new, godly beginning. Though many believed in a literal second coming, the majority of the religiously-motivated supporters of the government believed in the possibility of a godly form of rule. They were building a New Jerusalem. They were balanced by those who believed that since it was the sinfulness of man which necessitated government, people would continue to live in a debased age, and the institutions of government should be suitably flexible and opportunistic. One of those with a tendency towards the pragmatic, was Theophilus P., who had given his recipe for the reform of the electoral system. His prescription hinted at another purge, for the first, gentle purge had only moved the malignants and not got rid of them. "I have sent you by her

poor servant Theophilus", he declared, "such Samples as grow in her own garden; they be no Drugs from Eutopia, or the new Atlantis, they may be of use"¹. The new state would not be like the ideal envisaged by More and Bacon.

Theophilus was most likely a pro-leveller supporter of the radical faction in the Army and Parliament. However, after 1649, those who had a pragmatic approach to government usually came from amongst those who were not natural allies of republicanism, but were prepared to accommodate themselves to its administrative facade. A "dissenting Brother", for example, examined the questions of loyalty thrown up by the incompatibility of the Rump's actions and the Solemn League and Covenant. Though in 'Utopia', government would be by Prince, Nobles and Commonalty, he claimed, yet the present Commonwealth had legitimate authority.² Similarly, Bishop Robert Sanderson, in a sermon of 1623 had declared, "we live not in *Republica Platonis*, but in *fæce sæculi*" As T. H. Breen described it in his study of the Puritan ideal of a good ruler:

Sanderson certainly did not expect the magistrate of his native Lincolnshire to transform the country into a New Israel; nor, for that matter, did he believe that the Lord would punish England

1. Theophilus P, Salus Populi Dangerously Ill, E476(18), p.4. For a discussion on the contemporary definition of 'Utopia' see, J.C.Davis, Utopia and the Ideal Society (Cambridge 1983)

2. An Enquiry after Further Satisfaction, Th, 29 May 1649, E556(24) p.7

if her rulers were not the virtuous leaders that
Moses and Nehemiah had been.³

Sanderson, then, did not have over-inflated expectations of the morality of the civil powers. Despite his Anglicanism, he was to accept the jurisdiction of the republican government, and encouraged others to do likewise.⁴

The governmental ideal which was held by many of the protagonists of the 1649 settlement was freedom from the tyranny implied by monarchy. Monarchy, they described in its literal form, as rule by a single individual. The degree of power which the monarch was accorded by the constitution, mattered little. Even if the constitution removed all the power of the monarch except the ceremonial role, the influence which that role had on the people, allowed the monarch to exercise a power greater than that allowed by the constitution. The definition of 'republican' government which will be employed here is a simple one. It is defined as a government in which a single individual had neither executive nor legislative power or influence. The inclusion of both power and influence is necessary in order to further refine

3. T.H. Breen, The Character of a Good Ruler: A Study of puritan Political Ideas in New England 1630-1730, (New Haven 1970)

4. (Robert Sanderson), A Resolution of Conscience, by a Learned Divine, 1 Dec., 1649, n.p.

this definition. This allows for the situation in which all explicit powers were removed from the monarch but he or she was still considered supreme within the constitution, if only in a ceremonial capacity.⁵

It also allows for a situation in which a single individual exercised executive, overriding powers but did not accept the title of king. A government which operated as a republic was considered by republicans themselves to contain a much greater degree of representativeness, since experience had taught them that it was the application of monarchical self-interest, through the executive branch of government, which acted as a bar to the real expressions of the people. It was this ideal of representativeness which came to be challenged during 1649. A government operated by an oppressive and unrepresentative cabal must still, however, be technically classified as a republican one. The degree to which those who are described here as "republicans" opposed not only traditional kingship, but monarchy in its classical definition, meaning rule by a single person, was only partially demonstrated by the care they took when drafting the central statutes of the Commonwealth. They referred to the

5. Henry Marten believed the Rump had degenerated into this, by allowing the individual figure of Oliver Cromwell to dominate; "nothing did render the Parl^t more unfitt, and indeed more incapable to settle this Governm^t then the putting all the power in the 3 Nacons into one hand,..." Marten-Loder MSS Polit. and Misc. vol.2 fol. 3b

illegality of any single-person rule not only rule by the Stuarts. Indeed, it is arguable that a Commons' resolution which declared the "Office of a King...and to have the Power thereof in any Single Person", reflected the dichotomy between person and office. In the way that it was expressed here, in the resolution of 7 February, both 'a King' and 'any Single Person' must have referred to members of the various branches of royal families. A situation had not yet arisen, in English history, where an individual from outside the monarchical lineage had laid claim to sole executive power. Indeed, the only way to ensure that a claim to rule could be taken seriously was to demonstrate or pretend descent from the customary royal families. The statement, 'king or any single person' did express a republican principle - a theoretical, and in 1649, hypothetical situation, in which a commoner could exercise executive power. The new government were not against the Stuart family as such, but against the whole idea of single person rule. In 1649 the Stuarts were the demonstration of the problems associated with single-person government.

The division amongst those who sat in the Rump, between opposers of the Stuarts and opposers of any single-person executive, was not fully revealed until Cromwell assumed the role of Lord Protector. The title of 'Lord Protector' may have sounded like the guardian of the people's rights, but it also

marked the return of a patriarchal relationship between the individual who ruled and the people who were subject to that rule. There were many qualifications which could be made about the powers of the Lord Protector. The powers conferred by the *Instrument of Government*⁸ were not as sweeping and draconian as their opponents made them out to be. The very fact that the Lord Protector was to be Oliver Cromwell, a man who had incurred the mistrust of many who presumed to have spotted ambition and vainglory in his leadership qualities, meant that many opponents were looking for the ways in which the *Instrument* could be abused, rather than lauded. Many republicans were unable to take the oath to defend the constitutional form of a single person and parliament. They were excluded from the first Protectorate Parliament of 1654. Three colonels, John Okey, Matthew Alured and Thomas Saunders, the last of whom, though he had been a radical republican in 1648 had lauded Cromwell's military achievements on behalf of the Commonwealth, penned an attack on their General in 1654 in terms which echoed those used against Charles five years before.

That principle of the Kings *unaccomptableness* being the grand root of Tyranny (they began), and declared by us, *to be begotten by the blasphemous arrogancy of Tyrants, upon their servile Paracites.*

...we sadly resent the dangerous consequences of establishing that Supreme Trust of the *Militia* ...in a single Person, and a Councel of his own,

8. For the text, see Gardiner, Constitutional Documents pp.405-417

whom he may controul by a Negative voice at his pleasure.

And how little less this is in effect then an *absolute Negative Voice*, (the opposing whereof in the late King, cost so much blood)...⁹

The same points were made again in 1656, when many MPs were excluded from the second Protectorate Parliament. The excluded members, who included amongst their ranks such veterans as Sir Arthur Haselrig, Thomas Scot, and Thomas Saunders again, expressed their feelings in a petition to those who were allowed to take their seats. They declared that Cromwell had,

assumed an absolute arbitrary sovereignty (as if he came down from the throne of God)...as if he were their absolute Lord, and had bought all the people of England for his slaves; doubtlesse if he would pretend only to have conquered England at his own expense...¹⁰

It is interesting to see a return to the traditional attack on conquest, as well as the anti-militarist tone of both pamphlets, as well as others, even those which came from members of the New Model itself.¹¹ The government under Oliver

9. Saunders, Okey and Alured, To His Highness the Lord Protector, &c. and our General the Humble Petition of Several Colonels of the Army, Th. 18 Oct., 1654, 669.f.19(21), broadsheet.

10. To All the Worthy Gentlemen who are duely Chosen for the Parliament which Intended to meet at Westminster the 17 of September 1656, signed by all the excluded MPs, Th. 7 Oct., 1656, E889(8) n.p.

11. Marten on Cromwell, Marten-Loder MSS Polit. and Misc. vol. 2 p. 24 fol. 1b

Cromwell, confirmed republicans' belief that it was not the godliness of the ruler which justified single-person government. Any individual who exercised individual power or influence in the constitution was a tyrant, since their individual will blocked the expression of the will of the people. Those who had been supporters of Cromwell when he was acting through the Commonwealth, supposedly for the good of all of the people, were severely disappointed when he assumed the right to govern. As an MP excluded from the 1656 Parliament was to state in his attack on Cromwell,

It was then little thought (for into what heart could it enter?) when we oppos'd our selves agaynst the illegall exorbitancyes of the Court, that a Person of so great austeritie of life, so frequent in bewayling the miseries of his Countrey; so sedulous and vigilant in his Charge; so tender of the Lawes, and Libertyes of the Nation, and so narrowly searching into all the hidden corners of arbitrary and encroaching Policy, should at the last arrogate to himself a jurisdiction farre greater then that which hee contested, or then yet any King of England ever assumed.¹²

The evidence from the years of the Protectorate demonstrates the intention behind the words of the republicans in 1649 to create not only a negative defence against Charles Stuart and his family but also a more positive ideal of a republican

12. An Appeale from the Court to the Country Th. 27 Oct., 1656, E891(3), pp. 4-5. The high regard with which Cromwell was formerly held by the author, together with his personal knowledge of the Protector ("necessity and providence (his owne Creatures)"), leads me to a tentative attribution to either Colonel John Jones or Colonel Thomas Saunders.

state which would prevent the accumulation of power in any individual.

In whatever manner the republican architects lauded their creation, either in 1649, or when retrospect bathed it in a rosy glow, they were faced with opposition from all of the many factions which made up post-war England. The regime which was formed by the purge of the Commons on 6 December, 1648, was called by many names. The wave of abuse which greeted the purge, resulted in the derogatory term, "the Rump". Its occasional use, remains necessary, however, as a shorthand to describe the whole Parliament, rather than its controlling group. The government, and its supporters, was to call itself by several different titles. The term "republic" appeared only once; in the oath of loyalty for members of the Council of State in February 1649. The regime almost always referred to itself as a 'Commonwealth', or occasionally a 'Free State'.

We must therefore examine whether there was more import in the difference between these terms than mere semantics. It is easiest to deal first with the term, "Free State". Its use was important in defining the regime not in its own terms, but in relation to that which had preceded it. It carried the implication that monarchical government was unfree, thereby

casting the mind back to the rhetoric of 1647-8 which had castigated the tyranny of Charles Stuart.

The difference between 'republic' and 'commonwealth' was more complex. An examination of the oaths of loyalty imposed by the regime reveals a shift from the term, 'republic', to the term, 'commonwealth'. The first version of the Engagement, that for the Council of State, described the government as a 'republic'. When a similar oath was devised for soldiers bound for Ireland, in March 1649, it described the government as a 'commonwealth'. This debate was reflected within Parliament and the Council themselves. Exactly one year after Charles' execution, Parliament issued guidelines for their agents abroad, as a result of an initiative by the Council of State. The "style and title" when the government wished to address foreign leaders was to be "*Parliamentum Reipublicae Angliae*". The address which was to be used when foreign leaders wished to communicate with the English government, was to be "the Parliament of the Commonwealth of England". The difference between the two forms seems to indicate a desire to create a different image of itself. It referred to itself in the Latin form, *res publica*, and counselled others to use the anglicised version, commonwealth.¹³

13. SP 25 I 87 p.115

Superficially, the difference in the two oaths appears minor. The Council of State were asked to swear loyalty to the, "Republick, without king or House of Peers". Subsequent oaths referred to, "a Commonwealth, without King or House of Lords". The change from "Peers" to "Lords" appears to have been semantic. However, the real difference between these two versions lay in the status of the qualifying phrase, "without king or House of Peers/Lords". In the former example it acted as further definition of the term, 'republic'. The government would be a republican one, and in order to emphasise the momentous change that this entailed, it spelt out the chief difference between the old government and the new.

'Commonwealth', however, was a term which could be applied both to the England of Elizabeth and the state of Venice. However, it did carry with it connotations of a unitary state - one in which the allegiance of the citizens and the governance of the rulers was a reciprocal relationship forged for the good of all.

It was argued that it was this reciprocal arrangement which had been lost under the Stuarts. Charles' rule, in particular, was self-interested - not in the interest of the common weal. To this extent, the use of the title 'commonwealth' by the 1649 regime could be seen as an attempt to recapture a sense (illusory but nevertheless potent) of one

nation and of a shared national glory. However, more important was the retention of the words, "without king or House of Lords". The words no longer constituted a definition but an additional description of the nature of the administration. The effect was to emphasise the difference between the old form and the new, whilst retaining a sense of continuity. The previous version had described a wholly new form of government. However, this new form was alien to the English experience and therefore tended to provide ammunition for those who called the new government illegitimate. The effect of the change of words was to continue to stress the way in which the old oppressive forms had been overthrown, but to hint at things which remained the same.¹⁴

The first problem of definition, therefore, revolved around the degree to which the post-Purge regime represented an entirely new constitutional form. What was new about the 1649 government was that it constituted a *de facto* attack on the traditional Aristotelian classification of mixed government¹⁵. The 'Commonwealth' was presenting itself as an ideal form, but it was not one which mixed the best elements of monarchy, aristocracy and democracy. There was no longer

14, Marten-Loder MSS Polit, and Misc, vol.2 p.24, fol.3b, "it was manifested to the World that they understood nothing of a Comonwealth but the name".

15, Such as that accepted by Parliamentarian apologists in the early 1640s, for example, Philip Hunton, A Treatise of Monarchie, London 1643

any monarchical element in the government.

Having abandoned the monarchical element of government, there was some confusion about the degree to which the Commonwealth consisted of aristocratic or democratic elements. This was discussed by three Cambridge students, John Fidoe, Thomas Jeanes, and William Shaw, shortly after the birth of the new government¹⁶. The students added a fourth type of government to the traditional Aristotelian model, that of "theocracy" to describe the unique form of government given by God to the Jews¹⁷. They defined monarchical government as that in which sole authority was in the hands of a king, though they disputed whether it stemmed from Cain, Nimrod or Adam. Democratic government was that in which the people had a hand in all that was done. In aristocratic government, men of, "the greatest parts and trust are singled out for the good of others"¹⁸. This was the form which existed in Holland. They believed the Commonwealth government was also an aristocracy, and cited the text which was used to justify that form of rule: 'That in the multitude of counsellors, there is wisdom': Proverbs 15.22.. However, there was a confusion in their minds over the degree to which the new government contained a

16, J[ohn] Fidoe, T[homas] Jeanes, W[illiam] Shaw, The Parliament Justified, Th. 27 Feb., 1649, E545(14)

17, Ibid, p.8

18, As above

democratical element. They believed in *salus populi*, and they went on to imply that the people could exercise power over any political decision, if they chose to. They particularly questioned the government's intentions concerning religion. Why did the government prosecute religious dissenters? Did they intend to impose a form of worship? The area of freedom of worship was particularly treacherous for the government. Though their particular example postulated a hypothetical situation in which the conscience would be coerced, the students seem to have envisaged a situation in which people, individually or collectively, could ignore or overrule a decision of their elected representatives. They ended their defence of the government with a series of questions which implied that they believed the magistrate had no authority to dictate forms of worship and that the reformation in religion would be brought about by the internal action of Christ.¹⁹

Joseph Warr also drew attention to the confusion over aristocratic and democratic government. He did not believe that the fundamental form of government had changed: "*Anti-monarchicalnes* is no crime at all, but a difference in judgement about the *Externall Forme* of *Civill* government"²⁰

The title of Warr's tract referred to the rights, freedoms and

19. Ibid. pp. 18-19

20. Joseph Warr, The Privileges of the People, Th. 5 Feb., 1648(9), E341(12) p. 10

privileges of the people. He also confirmed that changing the external form of government was not enough to protect the rights and property of the people: "it is possible for a *Societie* to exercise *Tyrannie* as well as a single *Person*...For Man being naturally of an aspiring temper"²¹.

There was no clearer definition from those who argued from biblical rather than classical sources. In a pamphlet which was probably written before the execution²², London citizens warned the Parliament not to change the form of government unless they knew what to put in its place. These citizens expressed their views in a Leveller style, which would imply that they had a detailed constitutional statement to make. However, they chose not to do so here, and it seems more likely that they were an independent group, or were influenced by, but not connected to, the organised Leveller movement.

The citizens of Norwich and surrounding areas, who addressed a petition to Parliament in February 1649, delineated two forms of government.

This kingdom must be either Monarchical, (they concluded), as when Christ the Head appears visibly; or Parliamentary, as in the mean time,

21, Ibid, p.4

22, The Representative of Divers Well-Affected Persons Th.6 Feb., 1648(9), E341(16) p.8

when Christs Officers and the Churches
Representatives rule.²³

The usual view of the government was summed up by another religious supporter. In order for England to be a, "happier *Common-wealth* then it had been a *Kingdome*," the author concluded,

the best of Governments is that which
Aristotle calleth Aristocracy (especially if
it be in part mixed with Democracy) Let there
be so much of the Democrattick way, as to
acknowledge all Power fundamentally in the
People...²⁴

It is difficult to see how such incoherent and diverse statements could have influenced the thinking of the government. They were rather the result of the *de facto* rationalisation of the current situation. The protagonists had analysed the governmental structure and the Commons' statements in its defence, and abstracted their stance from them. However, it is important to note that all of these pamphlets were written in early February, either before the Council of State was set up or before the news of its establishment had filtered down through London life. The aristocratic element of government to which they referred,

23. Certain Queries Humbly Presented in Way of Petition, by many Christian people, dispersed abroad throughout the County of Norfolk and City of Norwich, Th, 19 Feb., 1648(9), E344(5), p.3

24. The Resolver Continued, or Satisfaction to some Scruples about the putting of the Late King to Death. In a Letter from a Minister of the Gospel to a Friend in London, 20 Feb., 1648(9), E346(17), p.16

must therefore have been the Commons, rather than the Council. The worthies who constituted the 'aristocracy' were those godly MPs who steered the Rump towards the republican settlement, rather than those who administered it from day to day, though in practice they were often the same individuals.

The most obvious change of emphasis, and by no means a purely automatic one, was the alteration of language to reflect the new government's claim to represent the people. On 3 January, 1649, the House was ordered to discuss, "a Way for the carrying on publick Justice"²⁵. The mention of "public" justice was confirmed on January 9, when the Commons resolved that, "the Name of any one Single Person shall not be used in the Stile of Commissions under the Great Seal Writs"²⁶. Marten reported his design for the new Great Seal which had to represent the new public interest of the nation, rather than the private interest of the King. It would bear the inscription, 'In the First Year of Freedom, by God's Blessing retored, 1648'. It was a statement which was to provide a source for pro-leveller satirists, who did not recognise the difference between the new year and the old.²⁷ In the first

25. CJ vi, p. 110

26. CJ vi, p. 114

27. For example, there were those who called 1649 the first year of 'intended freedom' and one, a satire by Alethophilus Basilophilus Britannophilus, Cromwell's Recall, Th, 1 Aug., 1649, E566(22), which called it "the first year of our Reigne, 1649".

few weeks of the new regime, the majority of its statements were designed to emphasise the benefits which would accrue to the people as a result of the change of government from one representing the will of the individual to one which guarded the will of the people. This was reflected by their supporters in the presses. William Ball declared that, "in England, *salus populi*, not *majestas imperii* is the chief object and end of government"²⁸. John Warr claimed that,

To advance this *Interest*, Kings and Princes have *politiques*, and *Principles* of their own, and certain *State-maxims*, whereby they scorn a loft, and walk in a distinct way of opposition to the *Rights* and *Freedoms* of the *People*; all which you may see in *Machiavils Prince*.²⁹

On 4 January, 1649, the Commons declared their philosophy. It was a reaffirmation of *salus populi* as defined by the architects of the post-purge settlement. It was also a statement of the intention of the new government to uphold the democratic element in the government. The one issue which united all of the factions which discussed the proposed settlement during 1648 - the Levellers, the regiments and the republican MPs - was *salus populi*, which was defined as a situation in which the rights of the people were best guarded

28, William Ball, The Power of Kings Discussed, Th. 30 Jan., 1648(9), E340(21), and Somers Tracts v, p. 139

29, Warr, The Priviledges of the People p. 1

by a representative Commons. The precise constitution of 'the people' was a matter for debate, as was the degree to which the people could influence the debates of their representatives. *Salus populi* was therefore further refined to mean, a Commons whose ultimate accountability was to the people, but which exercised power on their behalf through elected representatives who had proved their loyalty to the Commonwealth. In terms of the Rump government, proof of loyalty usually consisted of a long history of opposition to the Crown in such issues as Ship Money and the prerogative courts, and an unsullied record of support for a 'military' rather than a conciliatory solution to the problems of the war. The Commons' resolved, "that the people are, under God, the original of all just power"³⁰. They went on to declare the Commons to be a supreme, and sufficient authority to rule. The King and House of Lords were frozen out. The will of 'the people' was only to be expressed through their elected representatives in the Commons. The degree of influence which the electorate could exercise over its representatives once the House was in session, was not defined. The declaration of January 4 could therefore have expressed either democratic or aristocratic government, though, if the latter, it ensured that the aristocratic element was a broad and representative

30. Quoted from, J.P. Kenyon, The Stuart Constitution p. 324

one. The distinction which the new rulers drew amongst themselves was between Saints and representatives. Those such as Ireton and Harrison, who believed themselves to be God's elect, believed that they had been singled out to rule. Figures such as Henry Marten, believed their role was to represent the people - meaning as wide a cross-section of them as possible. Where they overlapped was that neither group could allow control of the Rump to fall into the hands of those who would not protect its ideal. Both had an interest in restricting power to those who would support the republican settlement. Once the Rump was in power, they became the focus for attack, so despite the different aims of the opposition groups, those who rejected the Rump, constituted the majority. The Commons was faced with a paradox. Though their rhetoric was of consent, they did not represent a consensus.

The statement of January 4 was less than a month after the purge. As such, the Commons consisted of around fifty MPs who were united in their previous service to the war effort and their similar view of the direction of change. There had not been full elections since November 1640 and the House had been altered in the intervening nine years, not only by Pride's Purge, but also by expulsions, voluntary departures, deaths, and recruiter elections. It was arguable that neither outsiders nor MPs themselves regarded the Commons in 1648 as

reflective of the constituency which they hoped to represent. MPs like Marten and Rigby had shown some sympathy with those pressing for a wider franchise. Rainsborough had passionately argued for adult male suffrage at Putney. Charles Stuart's failure to call free and successive parliaments had been the major plank of the prosecution at his trial, and the Rump could not be seen to act like the defeated tyrant. Indeed, there is no evidence that the Rump did not intend to call fresh elections as soon as the constitutional framework in which those elections would be held, had been settled.

This reading of the events leading up to, and beyond Pride's Purge, lessens both the influence of Henry Ireton, and that of many of the Army's statements. There is no doubt that the number and unanimity, in effect at least, of the petitions from New Model regiments in the last months of 1648 were a heavy pressure on the Commons to bring Charles to trial and return a guilty verdict. Their ideas of blood-guilt were appealing to the Army grandees and the evidence of Providence convinced them of the moral rightness of their course. What was less obvious, however, was the degree to which Army constitutional thought influenced the actual 1649 settlement. David Underdown has made the most detailed study of the pre-trial negotiations³¹. He takes the Army's document, *A New*

31. Underdown, *Pride's Purge* esp. the early pages of the chapter on the so-called Treaty of Newport pp.106-142

*Remonstrance and Declaration from the Army*³², to be, "the nearest thing we have to a manifesto of the revolution which the Army was about to begin"³³. However, it is conceded that in terms of tactics, Ireton had belatedly adopted Ludlow's thinking, that is, a purge of parliament and a Rump administration to oversee the trial³⁴. An examination of the terms of the *Remonstrance* revealed how few Army proposals were put into effect. The officers called for electoral reform, an elected monarchy - possibly Stuart - a date for the dissolution of parliament, the temporary suspension of the pomp of monarchy until the economy had recovered from its draining effects, and annual or biennial parliaments. Of these proposals only one was fulfilled; a date was set for Parliament's dissolution, but circumstances dictated that this condition was never kept.³⁵

From 6 December, 1648, there was therefore a *de facto* republican settlement in which the Commons acted as both a

32, 18 Nov., 1648, E472(23)

33, Underdown, *Pride's Purge* p.123

34, Ludlow, *Memoirs*, i, p.204

35, The debate on the Bill for a new representative began in earnest in Jan, 1650. The constitutional elements of the *Remonstrance* are attributed to the 'Levellers' intervention, but there is no evidence that these were specifically 'Leveller' ideas or that Ireton relaxed much more uncompromising republican principles in order to accommodate them. Republicans would probably have approved the calls for annual parliaments and electoral reform, though they would not have accepted elective monarchy or the merely temporary suspension of ceremonial.

unicameral legislature, and an executive through Commons committees. This principle was reaffirmed in the Commons statement of 4 January, 1649. However, the Commons had still to establish a permanent executive wing of government. This was achieved by establishing a Council of State to administer the day to day functions of government. The term, 'Council of State' had been mooted in Army documents, for example, in the *Heads of the Proposals*, on 1 August, 1647.

A body which went under the name of a Council of State was mooted in the *Heads of the Proposals*³⁶. Its role was to advise the King whilst no Parliament was in session³⁷, to control the direction of the militia, and it had the power over foreign diplomacy which had previously been in the hands of the Privy Council, except for the power to declare war or peace, which was to be in the hands of the Parliament.³⁸ This Council seems to have been modelled along the lines of the former Privy Council, with the important proviso that whereas the Privy Council had been chosen by the King, to offer advice to the King, the Council of State was to be of "trusty and able persons" who would act as a check and balance to the King, and on occasion, either a reinforcement, or a check to Parliament.

36. Gardiner, *Constitutional Documents*, pp.316-326

37. Ibid, p.317

38. Ibid, p.320

The difference between the proposal for a Council of State in the *Heads* and that which was envisaged in the second version of the *Agreement of the People*, was that the King was no longer to be "restored to a condition of safety, honour and freedom".³⁹ In the *Agreement*⁴⁰, the detailed division of the country into parliamentary constituencies consistently assumed the existence of a Council of State. However, it was not until the Commons' seats had been arranged that the *Agreement* went on to define the role of the Council of State, if definition is not too precise a term, for the Council of State was to be responsible for "the managing of public affairs".⁴¹ The existence of a Council of State was held to be, "fundamental to our common right, liberty, and safety",⁴² and though the powers envisaged may not have been any more sinister than the day to day attention to detail, the Council was not checked in the degree of power which it could appropriate to itself under the cloak of the 'safety of the people'.

When the King had been executed, and the Rump of the Commons was deliberating about the constitutional structure, it was decided that there ought to be a body called a 'council of State'.⁴³ On 7 February, 1649, Thomas Scot was given

39. Ibid. p. 321

40. Ibid. pp. 359-371

41. Ibid. p. 368

42. Ibid. p. 371

charge of a small committee, of radical temperament, consisting of Scot himself, John Lisle, Cornelius Holland, Edmund Ludlow and Luke Robinson, "to present to this House Instructions to be given to the Council of Estates; and likewise the Names of such Persons as they conceive fit to be of the Council of Estates, not exceeding the number of Forty; with Power to send for Papers and Writings from Darbey House, or elsewhere". When the committee reported, on February 13, the title had become the Council of State and its duties were carefully noted. They were to maintain the republicanism of the new government by the suppression of any of the Stuart family's interests; they were to direct the militia, manage the continuing war against those parts which were still in revolt against the Commonwealth, encourage trade and manage the presses. It was specifically stated that the Council of State should hold authority from, and be accountable to, Parliament. It would continue for one year, though it was unclear whether it was envisaged as a temporary expedient whilst the insecurities of the new government continued, or whether, as eventually happened, the membership was to be reviewed annually.

The following day the House voted on the membership of the Council⁴³. It was agreed that "some of the Officers of the

43, CJ vi p, 133

Army shall be of the Council of State", a statement that was made to sound like a generous concession. Fairfax, Skippon and Cromwell were all voted on to the Council, but Ireton and Harrison were voted down. In the end, only the three highest ranking officers in the New Model were accepted on to the Council. Only Fairfax was not already an MP. The initial list of members had been drawn up by the committee⁴⁴, but it is not clear whether this list included Ireton and Harrison, or whether they were proposed from the floor of the House. Since it was initially proposed that the Council have forty members, the latter would seem likely. The first forty on Scot's list went through with little objection, except for Philip, Earl of Pembroke, who was opposed by the republicans, Livesey and Marten. There were no objections to the Lords who preceded him. Once the fortieth name had been agreed, the House began to divide. William, Earl of Salisbury got past Marten's objections, though only by twenty-three votes to twenty. Ireton and Harrison were then rejected without a division, and the Council settled at forty-one members. On February 15, amid some confusion, the House confirmed that there should be 41 members, as had already been nominated and agreed, but also added the radicals, Luke Robinson and Cornelius Holland. They

44. As for note above.

then went on to set a quorum of only nine; eleven having been rejected. With only nine members, it was referred to as the "Great Council", but the House may already have become aware that many of those named did not appear to want to take their seats.⁴⁵ On this occasion, Livesey and Marten prevented an attempt to give the Council a Lord President.

Though the instructions to the Council of State outlined its role as safeguarding the republicanism of the settlement and the persons of the government, the radical opponents of the Rump saw the Council as the particular creature of the grandees. The committee which had set up the Council had been republican in its composition and had graciously allowed the Army to be members. However, the fact that the safety of the government involved policing leveller and millenarian mutinies in the Army, led many of those who were prosecuted by it, to believe that that Council was the device of their officers to prevent their free-speech. In this, there was probably some truth, especially as the Council's role became clearer, but the Council set up by the Rump, though partially modelled on that proposed by the grandees, had notable republican adaptations to that designed by the *Heads*. The Council appears to have been initially envisaged as a more accountable

45. See chapter 8.

version of the Derby House Committee, whose *ad hoc* creation had failed to define its role, and which had accumulated greater powers as the war progressed. The Council was also designed to be a temporary measure, though, since the Commonwealth never felt sure of its security, the concept of a Council survived the dissolution of the Rump in April 1653.

The ability of the Council of State to act as the mechanism by which the republican group who had been responsible for the 1649 settlement safeguarded its radicalism and its republicanism was hampered by the changes in the government which acted as a bar to radical reform. The members of the Council was to be re-electable every year. Rather than having seven years to effect republican reform, as would have happened under the proposals envisaged in the *Heads*, the radicals were likely to find their grip on the Council eroded as more conservative members were elected annually. The Council also decided to have a rotating Chair, changing daily, which might have had some effect on the radicalism of the Council had it not proved unworkable so quickly. The Chair's role was more to preside than to direct and in fact, the permanent Chair who was elected was John Bradshaw who ensured radical continuity. It was therefore likely that the measures to introduce a rotating Chair, annual elections, and parliamentary control of the Council were republican ones.

Investing the new commonwealth with the vestiges of the old provided the satirists who wished to attack the Commonwealth with plenty of scope. A satire speculated about a possible speech by Alderman Atkins, a speech made in Grocers' Hall, on a day of fast. The continuing use of set, ritualistic fast days was another failure to make a break with the past⁴⁶. In the satirist's version of the speech, Atkins said to Lord President Bradshaw, "Oh, how this Scarlet-gown becomes your honor!"⁴⁷ Not all of the ceremonial robes of state had been dispensed with.

It was part of the radical ethos that power should not be concentrated in the hands of a few, or for too long a period. This too, was the cause of some unease among the government's supporters who were loathe to abandon traditional ways, and mirth among their detractors. In April 1649, Sir Oliver Fleming, the government's Master of Ceremonies, wrote to the Council for clarification. He wrote:

I want instructions in the place the commonwealth is pleased to trust me. I desire to know what titles I am to give the Commonwealth and Council of State, in conversing with foreign ministers and strangers of quality...It is to be expected that we must wrestle with many difficulties incid-

46. See, H.R. Trevor Roper, Religion, the Reformation and Social Change (Camb, 1968), The Fast Sermons were kept going, despite the government's intention to abolish them, and radical pressure from sectarians to do so, primarily because of the need to rally support for the Irish campaigns,

47. Hosanna: or a Song of Thanks-giving, sung by the Children of Zion 7 June, 1649, E559(11) p.2

ental to a new government, now established in a more just and equal way; and that princes, looking upon their common interest, will apprehend the prosperity of the commonwealth may prove an allure-ment to their people to shake off their yoke...It is also feared that other commonwealths will at first make difficulty in giving those titles that this is obliged, in all justice and honour to hold forth to the world as its undoubted right, it being well known that the kings of England had not these high and great titles given them as particular men, but in relation to the greatness and potency of the commonwealth, from whence their titles were derived; so that I conceive the title of "most excellent, most high, most mighty", and such others as hold forth the supreme authority of the nation, should be insisted upon, and no diminution allowed of honour due either to the commonwealth or to the persons they dignify...⁴⁸

The radical members of the Council were on the horns of a dilemma. The very measures which they wished to introduce to ensure the supremacy of the idea of *salus populi*, were also those most likely to defeat the republican solution they were seeking.

The Council tried to get around these problems by introducing an oath of loyalty which was obligatory for those named to the Council of State. The Council first met on February 17. Since there were fourteen members present, the meeting was well over quorum. All those who attended, except Sir William Masham, took this 'Engagement'. The other thirteen

48, SP I 62 p.261.

were from the radical faction among the Rump. The Engagement required approval of the purge of Parliament, the trial of Charles Stuart, and the verdict of the Court. It was therefore a far more hard-line statement of regicidal principles than the registration of dissent, which only implied that the signatory did not think the king's reply to the treaty proposals was adequate. Six more Councillors signed the Engagement before it was abandoned on February 23.⁴⁹ The Engagement for the Council of State, although it was vacated, was vitally important for the nature of the republican settlement. It served two purposes.

Firstly, it incorporated other 'groups' more closely into the governmental structure. This was particularly important in view of the mistrustful opinion of the Army which most MPs held after Pride's Purge. By naming soldiers such as Fairfax to the Council of State and by asking him to take the same oath of allegiance as other members who had a more parliamentary background, the soldiery were given a say in, and an influence on, the machinery of government.⁵⁰ The same was true of members of the Lords, who were included for the

49. See ch. 8

50. The Parliament took a specific vote on whether Army Officers should be included in the Council of State on February 14, and decided in the affirmative.

gravitas which the Upper House could bestow, because they had expert knowledge, or because they had been faithful servants of the Parliamentary cause. Unfortunately, those Members who took the Engagement were restricted to those who were the leaders of the republicans in the Commons, though many, like Marten, had military experience.

Secondly, the Engagement had the effect of reaffirming the commitment to *salus populi* by calling on the Councillors to defend both Parliament and the "public liberty and freedom of this nation"⁵¹. It sought to erect a further layer of representativeness above the Commons and the Council by asking the Councillors to swear allegiance to an abstract theory of Commonwealth, though they represented it in substance.

Both of these measures were partially upset by the failure of the majority of the Council to take the oath. The radicals were able to maintain their control of the direction of the government in another way. The Council carried out most of its business through committees and it is noteworthy that the vast majority of the Council committees, particularly those which were formed during the first two years of Commonwealth administration, were heavily packed in favour of the thirteen

51, Gardiner, Constitutional Documents p.384

original, republican signatories of the Engagement. The republicanism of the new regime was therefore guarded, initially at least, by the active participation of these Councillors.

Though it is arguable that a *de facto* republican state existed after January 30, or even December 6, the idea that the subsequent settlement was a hurried and panicked reaction to the realisation that they had produced a constitutional vacuum, cannot be sustained. Constitutional arrangements took up most of the energies of the government in its earliest weeks. The Council of State which would deal with administrative detail, was not set up until two weeks after Charles' death. The Act which confirmed the abolition of kingship was not passed until March 17, followed by the Act abolishing the House of Lords two days later. England was not declared a Commonwealth until May 19.⁵²

It is instructive to examine these three last Acts, as they highlight the concerns and the tensions of the framers of the republican settlement. These were most obvious in, *The Act for the abolishing the kingly office in England and Ireland*.⁵³

52. The texts of all of these can be found in Gardiner, Constitutional Documents nos. 88, 89, 90.

53. But, of course, this legislation did not extend to Scotland, where Charles Stuart was proclaimed king, in traditional fashion, immediately on the death of his father.

This was a ratification, and extension, of two previous Acts. In order to prevent the immediate proclamation of a successor to Charles, the House, led by Henry Marten, passed an Act prohibiting anybody from proclaiming, or being proclaimed, King.⁵⁴ This was followed, on 7 February, by a debate on kingship. Unfortunately, no details survive of the mover of a motion to turn the House into a Grand Committee to debate the kingship question. The motion did not pass, and there is no record of the numbers attending the House that day, though registrations of dissent were well under way. If a large number of members were present on February 7, it is likely that the move to turn the House into a Grand Committee was opposed by the republican group, in order to counter the conservative effect of some of the readmitted MPs. If the membership was low on that day, it is equally possible that the move to turn the House into a Grand Committee was promoted by the republicans in order to increase the impression that the resultant Act was representative of all of the Commons. It was declared, on February 7,

That it hath been found by Experience, and this House doth declare, That the office of King in this Nation, and to have the Power thereof in any Single Person, is unnecessary, burdensome, and dangerous to the Liberty, Safety, and publick Interest of the People of this Nation; and therefore ought to be abolished: And that an Act be brought in, to that Purpose.⁵⁵

54, CJ vi, p.125

55, CJ vi, p.133

The Committee was a radical one. Marten, Scot, Grey, Challoner, Lisle and Blagrove were all named, along with regicides, Jones and Ireton. The other members were Whitelocke, Nicholas, and Sidney⁵⁶.

The original brief for the Act was a republican one, concentrating on kingship as an office rather than the personal crimes of past kings. When the Act came to be passed, however, it reflected both radical and conservative views of the republican settlement, crystallised in the debate on the importance of the person or the office to the power of monarchy. The Act of 17 March, 1649, was divided into five sections⁵⁷. The final section drew attention to the fact that allegiance was due to this government as it had been to any previous government. The first and third sections, however, dealt with measures against any individual proclaiming themselves king, and with Charles' personal culpability in the war. The second and fourth sections dealt with the benefits of the abolition of kingship. The former were a response to the consequences of regicide, and the latter were a declaration of

56. Little is known of the ideological stance of Algernon Sidney at this point. He opposed the High Court, but was later an enthusiastic supporter of the Commonwealth, won over by the providential message of military victory. See, J.H. Scott, "The Early Life and Writings of Algernon Sidney", unpub. Ph.D. Cantab, 1986

57. Gardiner, Constitutional Documents pp.384-387

republicanism. These four sections do not seem to mesh easily. They give the impression of a compromise, cobbled together by the members of the committee. For example, soldiers such as Jones and Ireton were more concerned with justifying the regicide and preventing the supporters of Charles Stuart from promoting another war by declaring a Stuart successor. The language which held that Charles was, "justly condemned, adjudged to die, and put to death, for many treasons, murders, and other heinous offences committed by him, by which judgement he stood", was reminiscent of that which came from the regiments of the New Model during 1648. On the other hand, the second section, which repeated the statement on monarchy made by the Commons on February 7, noted that, "usually and naturally any one person in such power makes it his interest to inroach upon the just freedom and liberty of the people"⁵⁸. This was the republican language used by the radicals such as Marten, Challoner and Scot. Similarly, the fourth section continued:

by the abolition of the kingly office... a most happy way is made for this nation (if God see it good) to return to its just and ancient right, of being governed by its own representatives...⁵⁹

This is not to say that these two views did not overlap. As we have seen in section one, those of a predominately regicidal

58. Ibid, p.385

59. Ibid, p.386

nature could express elements of republicanism, and *vice versa*. However, the alternation of paragraphs on Charles Stuart with paragraphs on monarchy in general, implied an uneasy and confusing compromise. The Act then went on to make the unequivocal statement that it was intended to dissolve the current Parliament, and to call fresh elections under a reformed voting system, "as soon as may possibly stand with the safety of the people that hath trusted them"⁶⁰.

Two days later, a shorter Act, drawn up by the same committee - except for the omission of Thomas Challoner - was passed, abolishing the House of Lords. It was similar to the previous Act in two respects. Firstly, it was a confirmation of a policy which had been foreshadowed by the vote on January 18. The Marten/Grey faction⁶¹ succeeded by 25 votes to 18 in blocking a move to require the Lords' concurrence to the vote of January 4, which outlined the constitutional basis of the settlement. This was followed on February 6, by a statement of intent to abolish the House of Lords. Secondly, the language used about the Lords reflected that which was used about kingship, establishing the cliched phrase of republican government: as kings were, "useless, unnecessary and

60. As above

61. These were the tellers for the negative side of the motion, as were Purefoy and Morley for the yeas

dangerous", so the Lords, according to the Act, were, "useless and dangerous". The omission of "unnecessary" may have been significant, indicating an early need for an executive arm of government, but the Council of State had already been established by March, and this difference in wording therefore seems insignificant.

It may, however, have been subtly indicative of the difference between the Acts abolishing kingship and House of Lords. The difference lay in the reluctance, displayed in the Act abolishing the Upper House, to condemn individual lords. This was markedly different from the condemnation of kingship which sprang from the attack on an individual monarch. Having abolished the House of Lords and declared it a barrier to reform, the Act went as far as it could to enable individual lords, who had not been specifically named as traitors, and who were prepared to owe allegiance to the Commonwealth, to play an active part in government. As the Act stated it,

neither such Lords as have demeaned themselves with honour, courage, and fidelity to the Commonwealth, nor their posterities who shall continue so, shall be excluded from the public councils of the nation.⁶²

The Parliament had already proved their commitment to this principle by naming several Lords to the Council of State, despite the fact that they were hostile to the oath of loyalty

62, Ibid, p,387

which they were asked to take. This Act also allowed them to take a seat in the Commons, provided they were elected in a free election and did not exercise old, customary privileges in order to exert influence on the House.⁶³ A letter in the Clarke Papers indicated that the principle of allowing lords and commoners to sit in one, elected House, had been proposed as part of the peace terms of 1647. It mooted the idea that, "if possible the Lords and Commons sitt together, at least, be declared Jointly the Supream Judiciature".⁶⁴ Though it was not a very clear statement of such a principle, the idea of individual lords being electable to the Commons was made during the Putney debates, in an exchange between Ireton and Rainsborough. Surprisingly, it seemed to have been an idea which was favoured more by the radical Rainsborough than the relatively conservative Ireton:

Rainsborough: It is offered to make them(lords) capable of being chosen.

Ireton: Every Baron, [not disqualified] by the other exception[s], may be chosen.

Rainsborough: Is it not so in Scotland?

Ireton: In Scotland every lord hath his place as burgess.

Rainsborough: [I ask]), why the Lords should not have the same privilege [to sit as a body with the Commons].

Ireton: I should think [of] that as the directest [way to make their] interest [dangerous] to the kingdom, in the world; for that, for so many

63. There were three hereditary lords elected to sit in the Rump, none very active; William Cecil, Earl of Salisbury, Philip Herbert, Earl of Pembroke, and Edward, Lord Howard of Escrick. Of the three, Philip Herbert was to be the butt of merciless satire.

64. Clarke MSS xli fol. 69b

persons to be a permanent interest in the House...⁶⁵

The *Act Declaring England to be a Commonwealth*, confirmed that the term, "Commonwealth" was not intended to describe the constitutional form of the new regime. The Act outlined the three elements essential to the government. It would be governed by a supreme, representative body: in this case, the Rump Parliament. The Parliament would act in the people's name and for the good of the people, though in this Act there was no explicit statement of *salus populi*. As if to confirm that the republican elements were increasingly seen as a codicil to, rather than as a definition of government, they added, "*and that without any King or House of Lords*" (my italics). The Act also hinted that this was also a ratification of a policy which was already in operation, for the Commonwealth was, "constituted, made, established, and confirmed", on May 19.⁶⁶

These Acts show the tight-rope walked by the founders of the republican government. They had to address a number of different audiences - both those who looked to the government

65. Woodhouse, Puritanism and Liberty, p.116

66. Gardiner, Constitutional Documents, p.388

to sweep away traditional, burdensome forms, and those who looked for continuity. The Commonwealth could be said to have pleased neither. In its earliest months it sympathised with those who wished to make a radical break with the past. It consistently reaffirmed its commitment to *salus populi*, however qualified, and it introduced radical constitutional change. It declared its intention to reform the franchise and to call new elections. However, it was constantly challenged by circumstances. The House needed a stop-gap measure before new elections could be called. It therefore widened its base by allowing those Members who were prepared to disclaim their part in promoting the King's reply to the Four Bills, to re-take their seats. Those members who returned, especially after January 1649, were pragmatic, and not necessarily committed to the republican experiment. The war continued in Ireland and the Army and the Levellers were restless at home. The presses turned out scathing pamphlets vilifying the leadership of the Parliament and the Army. As such, it proved impossible for the government to risk elections, and, as a result, the Rump were increasingly seen as timeservers. The Council of State which had been envisaged as the guardian of the republican settlement came to be viewed as the means by which the state policed the consciences of its citizens. The Rump was bombarded with criticisms from a direction in which they had hoped to find allies. So alienated were the government's

natural supporters that by the middle of 1650 they were increasingly looking for support from *de factoists* who had no commitment to republicanism but who gave the government a quiet life.

CHAPTER 7: "The Failure of Expectation and opposition to the Rump".

There were certainly high expectations of the new government as 1649 began. The eschatological vision which the New Model Army had fostered throughout the previous year, had built the excitement and anticipation to a fever pitch. The regiments and their supporters felt that the new age was at hand, when they would overthrow monarchy and finally loosen the bonds which had held the Saints in tyranny for centuries. The bishops, the Presbyterians, the Royalists, Laud, Strafford and the King's armies had all been defeated. The overthrow of Charles would herald in a new age of godly rule in which the Saints would inherit the earth and govern in accordance with the appearance of God within their spirit.

Godly rule meant allowing oneself to be guided by God's will. This was either revealed through the Scriptures or by soul searching - an internal examination by prayer and meditation. Divine Providence revealed whether the Saint continued to follow God's path. God's will allowed no shades of grey: it was absolute. Hence there was a tendency to see the world in a dualistic way. In comparison with the more complex, philosophical interpretations of government produced by the ancients, the soldiers viewed the world in terms of

good and evil. Therefore, the personal prerogative of the King was considered evil, the public service of the Army, good. There was the dualism of body and soul which was reflected in terms of man's physical presence on earth by the dictates of the flesh and the spirit. These were not only reflections of the physical composition of man, but also guides to man's actions. A decision which was made with reference to, and in accordance with, the will of God, was a spiritual action. One which was made without reference to God, and with human concerns in mind, was 'fleshly'. This dualism was reflected at a political level in the constitutional debates of the late 1640s. The distinction between the flesh/spirit, or body/soul, was also echoed in the distinction of the person and office of a magistrate.

The Army, its preachers, and its propagandists, had built up the expectation of imminent freedom because they had paralleled the contemporary situation with that in which the prophets had operated in ancient Israel. The trial and execution of the King was therefore as portentous an event as the coming of Christ and the Gospel. As such, the Rump Parliament had to cope with the ever present danger of the failure of expectation, as much as conventional political weakness. It was almost impossible for the Rump Parliament to live up to such an image. The failure of expectation arose from two sources. In the first instance, an overinflated expectation was bound to be disappointed. The 400 men, "so

strangely chosen"¹, of whom only around fifty remained in December 1648, were not likely to reproduce the liberation of Christ's Gospel. A worldly government, composed of fallible humans, many of whom were the same characters who had been in Parliament since 1640, could not hope to convince deeply sincere, Christian people that their rule was equivalent in importance to the coming of Christ. Such a belief was a blasphemy in itself. Government by the Rump was not what these spiritualists were expecting.

The second reason was more pragmatic. The protagonists of the 1649 settlement represented, and were themselves, a loose coalition of interests. There were the Army grandees, with their concern to retain their control of their estates and to prevent unrest and dissension in the ranks. There were the parliamentary republicans, with their belief in more representative, kingless government. The rank and file in the Army wanted a variety of reforms which ranged from their due arrears to leveller-style reform of the law and society. There were those who believed in the godly rule of the Saints, in which all earthly forms would be swept away. Others did not believe that Christ would appear in person but would rule through the spirit of man and make earthly forms unnecessary. There were many who just wanted peace, and were prepared to follow whichever course produced it. With such a diverse

1. This description of the Long Parliament is taken from a petition from the garrison at Newcastle upon Tyne, E473(23), 25 Nov., 1648, p.8

coalition of interests, the Rump administration could not begin to satisfy the expectations of them all. The administration was faced with the prospect of following its own coalition of policies and interests, thereby running the risk of completely alienating several of the groups, or of trying to please all, and satisfying the expectations of none. It is the ideas of those who were disappointed which are examined here.

Those who were most disillusioned with the outcome of the events of 1648-9, were, not surprisingly, those who regarded the destruction of worldly, hierarchical, oppressive institutions as the necessary preparation for God's rule on earth, through his chosen instruments. The Rump administration and its predecessor, did not lack warnings of the ways in which their supporters could be disappointed. They were consistently advised when their actions seemed to diverge from the ways of the Lord, and were warned that in seeking to rule themselves they were liable to be as guilty of human pride and vain-glory as Charles had been.

Sometimes, this kind of warning was to come from an unexpected source - from the sermons which were preached by chosen ministers to Parliament on the occasion of fast days and days of "public humiliation". The purpose of these sermons has been a matter of some dispute. Were they a means of announcing government policy, in the 'sanctioned' atmosphere

of the pulpit? On the other hand, were they a means by one faction to rally support for its view, considering that ministers were proposed from the floor of the House and were the responsibility of a particular Member?² There was certainly a correlation between the religious standpoint of the MP responsible for overseeing the minister's sermon, and the theological view of the minister himself. A more careful study of the possible political implications of the ministers' words, however, reveals that neither of these two suggestions was the case. There was certainly a bias in the direction of many of the sermons. A Presbyterian minister would be more likely to counsel accommodation and caution than one who was a supporter of the Army Saints. It is also often difficult to discern a coherent 'line' from the sermons. They were often couched in such mystical and arcane language that, to modern readers, the sense, eludes us. It cannot be discounted that the ministers were equally as aware as the politicians of the political delicacy of the situation. They may have hedged their bets, deliberately disguised their message, and endeavoured to see both sides of an argument in the hope that they did not incur the wrath of either. Their future preferment was in the hands of whomsoever should emerge as the

2. The entire collection of Parliamentary sermons are collected in, R. Jeffs (ed), The English Revolution: I The Fast Sermons, 33 vols, esp, vols. 30, 31, 32. For an analysis of the sermons, see, H.R. Trevor Roper, Religion, the Reformation and Social Change, ch.6. "The Fast Sermons of the Long Parliament". It was Clarendon who believed that news was first announced through the sermons.

most powerful party, and though such a suggestion may be unworthy of such committed men, it cannot be altogether ruled out.

The main image which is presented by the fast sermons, however, is of men who believed themselves to be more fitting interpreters of the Holy Spirit than soldiers or politicians. They attempted to present their personal view in a way which would direct the counsellors of the nation towards God's will. The dominant theme of the preachers throughout 1648 came from the Book of Isaiah. Manton and Marshall³ both used Isaiah 8. 9-10 which was interpreted as meaning that the Saints should not associate with Charles; in other words, that they ought to abandon their attempts to treat with the King. Marshall's sermon was clearly directed to one political goal, that the Army should have no more dealings with Charles, but was not an unambiguous statement of that position. His interpretation of, 'Associate yourselves, O ye people, and ye shall be broken in pieces', was far more threatening. This threat was directed not only at the enemy of the Saints - in the Bible, Syria - but applied, equally, to Judah. In the contemporary situation, Syria was Charles, and Judah the New Model Army. He warned the Army not to make an alliance with an "arm of the flesh", but nevertheless counselled that God would not, "have any

3. Stephen Marshall, *Emanuel*, in Jeffs, *Fast Sermons*, vol.30, pp.229-268, Thomas Manton, *Englands Spirituall Languishing*, vol.31, pp.13-54

Agitators in his Army, that shall give check and leave to him, but he will be Lord of all"⁴.

Manton was quite explicit in declaring that the Scriptures were open to false interpretation. He warned that, "when you have prepared the businesse, so that you thinke all the devils in Hell cannot disappoint you, yet God can"⁵. He adopted the usual theme of the sermons of 1648, that a government built on the word of God was built on a sure foundation. Matthew Barker repeated the message in October:

The foure great Monarchies of the world, though their firmnesse and strength be like that of Gold, Silver, Brasse, Iron, as they were represented to Nebuchadnezzar in his dreame Dan.2. Yet because they were not erected upon a true foundation, the stone cut out of the mountain breakes them in pieces...⁶

In the weeks leading up to Charles' trial, the messages which the Parliament probably took from the Fast Sermons were more encouraging to their endeavours, though they were still equivocal. On November 29, George Cockayne, declared to the Commons, "ye are Gods", a message drawn from Psalms, but then added the following verse, 'but ye shall die like men, and fall like one of the princes'⁷. Though he believed that, "no murderer shall plead prerogative to exempt him from trial

4. Marshall, Emmanuel, p.35

5. Manton, Englands Spirituall Languishing, p.30

6. Matthew Barker, *A Christian Standing and Moving upon the True Foundation*, in Jeffs, Fast Sermons, vol.31, pp.236-289, p.236

7. George Cockayne, *Flash Expiring and the Spirit Inspiring the New Earth*, 29 Nov., 1648, Jeffs, Fast Sermons, vol.32, pp.11-47, p.17

before this Judge" - a message which the republicans probably took to refer to Charles - Cockayne was clearly directing it towards all magistrates. How were the MPs to read Cockayne's statement, "'and it came to pass, as soon as the kingdom was confirmed in his hand, that he slew his servants that had slain the King his father': Observe, the scripture saith, though he was settled in his Kingdom, yet he would do Justice upon those that had killed the King his father"⁸? Was there not a certain contradiction in the message at the start of the sermon, "mercy and truth preserve the King", and the later statement that, "if God do not lead you to do Justice upon those that have been the great Actors in shedding innocent Blood, never think to gain their love by sparing of them"⁹?

The Army was receiving similar warning messages from less establishment sources. A minor, but nevertheless, revealing incident was the interviews which the Council of Officers held with a woman named Elizabeth Poole. The Council was at Whitehall, discussing the proposals which would become the 'officers'' *Agreement of the People*. Poole was a spiritual mystic from Abingdon in Hertfordshire.¹⁰ She appears to have been interviewed twice by the Council, once probably in Commissary-General Ireton's quarters. She produced three pamphlets over the following six months, all similar, which

8. Ibid, p.22

9. Ibid, p.42

10. Though there are several places called Abingdon, Whitelocke made reference to Poole, and since Whitelocke was a native of Hertfordshire, this would seem the most likely.

reiterated the events of those meetings, and was also mentioned in a curious pamphlet which attributed all the ills of the nation to pro-Spanish forces. However, despite its obvious bias, its account of Poole's meeting has something of a ring of truth about it. It professed to be from an 'Independent' who was present at the meetings, and the richness of detail gives reason to believe this was the case.¹¹ Poole was a member of William Kiffin's Particular Baptist church in London, though she was ejected from it around the time of her interviews with the Council. Though she did have specific political disagreements with Kiffin, she is likely to have been ejected for her belief that all mankind possessed the Holy Spirit and was capable of salvation.

Poole's first encounter with the grandees was when she interrupted a meeting of the Council of Officers on 29 December, 1648, claiming to have had a vision which revealed God's role for the Army. This vision was induced by three days of fasting and mourning for the state of the nation. Her 'dream' revealed the nation to be a weak and sickly woman, which could be cured by a man - representing the Army -, provided the officers listened to her counsel. Initially, at least, the leading members of the Army believed her appearance

11. Elizabeth Poole, A Vision, dated 9 Jan., 1648(9), E537(24); An Alarum of War, dated 17 May, 1649, E555(23+24); A Brief Narration of the Mysteries of State carried on by the Spanish Faction in England, Th. 10 July, 1651, E637(2). There is also, A Prophecie Touching the Death of King Charles, 1649, available in Yale University Library, Wing 2809A.

and her message to be supportive. Ireton, for example, believed that she spoke with due humility and self-denial, a sure sign that she carried the Holy Spirit. However, Poole's language was far more obscure than the joyous vision of a cure might have suggested. Her message carried a veiled warning, similar to that which Cockayne had delivered to the Commons.

You may be captaines and rulers uppon
the earth and maintain his controversie,
(Poole counselled) butt if you be the
captaines and rulers of the earth his
controversie is against you.¹²

On this first interview with the Council, Poole's message was so disguised by mystical references, unfinished sentences, and obscure allusions, that it was difficult to make sense of it. The Army officers therefore took whatever message they wanted to hear from the phrases which they recognised amidst the garbled sentences. Ireton used her appearance to announce to the Council that God had demonstrated divine approval of the course upon which they were embarking - that of trying the King. Colonel Nathaniel Rich also maintained that this was a providential blessing on their political policy:

The truth is, itt is true [there are] many
things in which wee are to take a liberty
and use the libertie in reference to the
men of the world that wee have to deale withall...
if wee have nott another manner of testimonie...
the conclusion of it will be butt fleshly...¹³

12, Camden Society "The Clarke Papers", ii, p.153

13, Ibid., p.152

Rich was, in fact, revealing the weakness of the Army's position, in Poole's eyes. They were departing from God's word in two ways. They were setting themselves up as worldly judges, they were themselves becoming the "captains and rulers"; and they were seeking to judge Charles by the rules of man. Rich compounded the error by announcing that Charles was a man and capable of being judged by men. At Poole's second interview in front of a greater number of the Council¹⁴, Rich again revealed the worldly political motivation behind the Army's desire to try Charles:

Now if then any outward thinge, and [any] state and power and trust [may be forfeited if it is abused], if itt bee nott the will or the minde of God that any man impowred or intrusted for the publique good, for the Government sake should be tyrannous to the governed for the welbeing of which hee was sett in the chaire for, then whether for the highest breach of trust there cannott bee such an outward forfeiture of life itself, as of the trust itt self?¹⁵

Rich had made the logical jump from a breach of trust resulting in a loss of trust, to a breach of trust resulting in a loss of life.

It is clear that the Army Council were prepared to treat Poole and her message with the utmost seriousness. They only began to doubt that she possessed the Holy Spirit when, on her second visit to the Council, she presented them with a paper

14. Poole's second interview was on 5 January 1649.

15. Camden Society "Clarke Papers", ii. p.166

arguing against the trial and execution of the King. The Army Council had set up a committee to examine the way to bring Charles to justice on December 15, so their minds were fixed on that course. They were looking for providential confirmation for a political decision which they had already taken. They even went as far as to question Poole about the legitimacy of their case against the King should he refuse to answer the charges against him in court. Poole did not understand that point of legal theory.

The attitude and the speeches of members of the Army Council during Poole's visits, do tend to confirm her suspicion that they were acting for political motives in trying Charles. In religious terms they were not allowing themselves to be directed by the Holy Spirit, but were seeking to use Scripture for earthly, fleshly purposes. In doing so they were guilty of pride and self-love. They were seeking to use their own standards to judge the moral conduct of men, when only God had that right. Of course, it is almost impossible to discern motivation at this level with the difference in attitudes which separates three hundred years, and modern readers tend to disbelieve the ability of a godly force to direct political action. Religious faith is seen as the confirmation of, or excuse for, a particular, worldly stand-point.

The conduct which Poole was condemning was only partially revealed in her direct encounter with the Army Council. The Clarke Manuscripts show that she handed them a paper which was against the King's execution, though this sheet does not survive. The Council's questions to her were all concerned with the trial, however. Was it the will of God that Charles should be tried? Should he be executed, or merely judged? What happened if he refused to plead? Was it the case that no king could be judged, or just King Charles? What made Charles so special that he could not be judged and executed? Poole believed that he could be judged, "and that you may binde his hands and hold him fast under"¹⁶. However, the King was the highest officer under God. Only the trust which Charles had betrayed had passed to the Army.

The case was made more clearly by William Erbury. Erbury was a chaplain in Skippon's regiment, and had been an active, sectarian preacher in Ely and Oxford, maintaining that everyone had the power and the gift to preach the word of God, and that official ministries were therefore part of the work of fleshly sin.¹⁷ In a pamphlet written at the end of December, 1648, he attacked the Army's intention to execute the King.¹⁸ Erbury did not dispute that Charles had ruled

16. Ibid, p.165

17. William Erbury is one of the subjects of Christopher Hill's, The Experience of Defeat pp.84-97. Hill's sketches are incomplete and his religious categorisation, unreliable.

18. William Erbury, The Lord of Hosts, Th.24 Dec., 1648, E477(22). The same pamphlet also appeared under the title, The Armies Defence.

tyrannically and that he was accordingly fit to be judged by God's laws. Like Poole, however, he denied that the Army had the right to execute him. He gave the same reasons for this. The Army were God's servants but that did not give them authority over life and death. Only God had the right to judge people's lives forfeit. By seeking to take this power to themselves, the Army were departing from God's ways, were setting themselves up as judges on the earth, and were therefore usurping the power of God.

There was a second reason why those such as Poole and Erbury opposed the King's execution. It was a surprising reason, given their opposition to all earthly forms of authority, and their desire to herald in the new kingdom of Christ. They were still wedded to the traditional, patriarchal image of kingship, in which the King was the father of the people, was annointed by God and was the inheritor of the blood-royal. As such, the Army did not have the right to damage the King's person. As Poole said in her second interview, the King was the highest in subordination to God. Though their reverence for the King's person was clear, Poole and Erbury made a very sharp distinction between the person and office of kingship. The office of kingship was reinterpreted to include such phrases as 'the blood-royal', and the 'trust'.¹⁹ Poole believed that the King had betrayed

19. See, for example, Poole, The Alarum of War, the second part, entitled, "A Copie of a Letter", p. 3

his trust, and that this trust had fallen on the Army. She published her beliefs in a pamphlet, dated 9 January, 1649, and was to repeat and clarify her case more clearly in another, titled, *An Alarum of War*, in which she restated the events of her interview with the Army, and, "their High Court of Justice (so called)"²⁰. However, Poole did not publish this explanation until May 1649. From the King, she maintained:

You have all that you have and are, and also in Subordination you owe him all that you have and are, and although hee would not bee your father and husband, Subordinate, but absolute, yet know that you are for the Lords sake to honour his person.²¹

William Erbury expressed the same sentiments on 13 January, 1649, in his opposition to the *Agreement of the People* which was being composed by the Council of Officers. Whilst they had been in the business of putting down authority, they had maintained unanimity, he claimed. Now that they were proposing a constitutional settlement, they would produce discord, especially over the clause on religion. Ireton argued that the *Agreement* was not setting up a fleshly form of government:

I am confident that itt is nott the hand of men that will take away the power of Monarchy in the earth, butt if ever itt bee destroyed, itt will bee by the breaking forth of the power of God amongst men to make such formes needlesse...
[We agree as to that power] that itt shall

20. Poole, *An Alarum of War* as above.

21. *Ibid.* p.4

nott bee in the hands of a Kinge;...but [in the hands] of such as are chosen [by the people].²²

The objections which Poole and Erbury raised towards the end of 1648 and the beginning of 1649 were treated as those of a vocal and mischievous minority, nothing more than a nuisance to the Council in their attempts to bring Charles to trial.²³ After all, the majority of messages which were being sent to Fairfax, Cromwell or the House were calling for the King's trial and punishment. They did, in fact, herald a far wider measure of unrest amongst the supporters of the Army and the soldiers themselves, which centred around the decision to execute Charles. This opposition to the government was based on three themes. They opposed the execution because they had a traditional reverence for the person of the King, because of the former nature of his office, his divine ordination or the terms of the Covenant of 1643. They were followers of the New Testament Gospel, and did not believe that Charles could be judged according to Old Testament Law - he should be treated with the Gospel values of mercy and forgiveness.²⁴ They also believed that the new government was functioning on the same tyrannical principles as the old. This was itself a twofold

22. Camden Society, "The Clarke Papers", ii, p.176.

23. See, for example, Ireton's reply to Erbury at Whitehall, Woodhouse, Puritanism and Liberty, pp.170-1

24. This was directly contrary to the Old Testament values which were being promoted through the regimental pamphlets which were discussed in chapter 2.

argument. Whilst some believed that the new godly rule would only be brought about by abolishing all earthly forms of government, such as Councils, Parliaments and Courts, others believed that in setting up their High Courts and Council of State, the Rump had duplicated the arbitrary, oppressive instruments of the monarchical regime.²⁵

The regiments of the New Model Army which had pressed for Charles' trial at the end of 1648, had stressed the values of the Old Testament. Believing themselves to be acting according to God's will, they claimed for themselves the right to judge the King and, when he was found guilty of murder and treason, to execute him according to the Law of God and the law of the land. Few soldiers had expressed their doubts at the time. Some, who had been in favour of accommodation with Charles in 1647 had been driven out of the Army, or were keeping a low profile in order to hang on to their commissions. William Erbury was the only soldier to make his doubts so publicly known²⁶, and because of his millenarian religious beliefs he was not necessarily representative of all the soldiers who opposed the line which was taken by the agents, and eventually, by the Council of Officers. The only major attempt

25. This was an argument made most forcibly by those Leveller leaders who were imprisoned by the Commonwealth regime in the same way as they had suffered under Charles' prerogative courts. See, for example, John Lilburne, *Englands New Chains Discovered*, in G.E. Aylmer (ed) The Levellers and the English Revolution

26. He made two personal appearances at Whitehall to argue against the whole concept of an *Agreement of the People*.

by soldiers of the New Model to come to an accommodation with the ranks of moderation, was in October, 1648, when some soldiers sent, *New Propositions from the Armie*, to Presbyterians and Independents in the City, outlining the conditions on which they would allow Charles back to London to take up his throne.²⁷

The execution of the King gave a new impetus, however, to the feelings of resentment which were brewing in the Army over disagreements with the 'official' Army line. The ill-expressed feelings of 1647, that the Army was seeking to break previous engagements by circumventing the role of the King²⁸, were given a sharp focus by the breaking of the Covenant's oath to protect the King's person. In March 1649, Francis White, a Major in Fairfax's foot regiment, and a member of the General Council until he was expelled for arguing that the Army had no authority but the sword, published a pamphlet to show that he had always dissented from taking the King's life, and had told Cromwell as much, early in 1648.²⁹ White reiterated a theme which Poole and Erbury had made clear: that the High Court had the right to take away the King's power, but not his life. White professed that the Covenant bound them to protect the King, and that the Court which the regicides had set up did

27. *New Propositions from the Armie*, Th, 24 Oct., 1648, E468(34)

28. See the initial debates of the Army Council at Putney, Woodhouse, *Puritanism and Liberty*, pp. 1-52

29. Major Francis White, *The Copies of Severall Letters*, Th, 20 March, 1648(9), E348(6)

not have the authority to take away his life. He claimed that he was not, "against the judging of the King", but that the High Court was,

no legall Authority, but only what the Sword exalteth: although it be not an exact Marshall Court, yet it is little different, and not a Legitimate Authority to the King, yet it may as iustly iudge him, as ever he iudged the people, and may dethrone him, and divest him of all power and authority in the English Nation. And I thinke it is necessary so far to proceed, and to detaine him as a prisoner at war.³⁰

He claimed his plea to Cromwell was made on 22 January, 1648.

The most vocal of the Army critics of the execution was Captain William Bray. Bray's comments were coloured by his personal quarrel with Henry Lilburne.³¹ However, his pleas were either tactless, or revealed the depth of feeling amongst some of the soldiers who opposed the grandees. In a petition to the Commons in March 1649, Bray warned that the arguments which had been used to prove Charles' tyranny could also be used to prove a personal desire to rule by General Fairfax. Bray, like Erbury, opposed the *Agreement of the People*, which emerged in January 1649, and which he believed was a "design" by the officers to have persons more esteemed than principles.

30. Ibid, p.5

31. Bray was one of the 'victims' of personal clashes within the Army which were often based around the insubordination which was born of political and religious differences. Bray had been part of the mutinies which followed the Putney Council. Another example was the dispute between Major (later Colonel) Thomas Saunders and Colonel Sir John Gell during 1643-4. Gell accused Saunders of Brownism, amongst other military charges.

Bray was supported by several soldiers who organised the series of pamphlets in which the Council of War was likened to foxes, and the disgruntled soldiers to beagles.³² According to these soldiers, the Council of War only had power over military matters and not over civil;

therefore their propositions and tamperings with the King, their march upon London, their violent secluding of so many members from Parl. their trial and execution of the King, of D. Hamilton, Holland, and stout Capel, their erection of the High Court, of the Counsel of State, and their raigning in, & overruling the House, their stopping the Presses, committing violent outrages and crueties thereupon, their usurpation of the civil Authority, &c. are not to be esteemed as actions of the Army...³³

Three more soldiers, John Naylier, Richard Ellergod, and John Marshall, claimed to be "appointed by their troop", in old-fashioned agitator style, to send, *The Foxes Craft Discovered*, to the press, along with their support for Bray and their message of brotherhood to the promoters of the Leveller petition of 11 September, 1648.³⁴

Richard Overton, John Lilburne and William Walwyn were also caustic critics of those instruments of government which they believed were the products of the Army grandees. As such, they spoke for many of the junior soldiers whose expectations of pay, political advancement and social justice appeared

32. Those who package history neatly into attributions have discerned the hand of Richard Overton in these pamphlets, and have concluded that they were written and organised by the Leveller leadership. This will be discussed in greater detail below.

33. (Captain) William Bray, To The Right Honourable... An Appeal in the Humble Name of Justice, Th. 19 March, 1648(9), E346(30)

34. The Foxes Craft Discovered.

frustrated by the careerism of Cromwell and Ireton. The Leveller leaders were less inclined to use religious terminology and allusion, and confined their criticisms to the political manifestations of the new regime. There are several pamphlets which can be attributed to this Leveller group, now joined by Thomas Prince. *A Picture of the Council of State, A Manifestation*, and *Englands New Chains Discovered*.³⁵ *A Manifestation* was claimed by Lilburne, Overton, Walwyn and Prince, but was probably the work of Walwyn. *Englands New Chains* was undoubtedly the work of John Lilburne. There were also two series of pamphlets which seem to have emanated from a similar source. The first is that representing the grandees as foxes and the soldiers as beagles. The second referred to Cromwell as "Old Noll".³⁶ These series echoed the ordinary soldiers' disillusionment with government and their mistrust of Cromwell. They may have been organised, written, distributed or influenced by a more organised Leveller movement, but there is no concrete evidence to show this. Nevertheless, *The Hunting of the Foxes* is often attributed to Richard Overton.

These pamphlets criticised the Rump's route to power. They accused the managers of the trial of being guilty of the same

35. The references for these last two pamphlets are taken from Aylmer (ed) The Levellers and the English Revolution.

36. For example, A New Bull-Bayting, E568(6). There were also pamphlets by "The Man in the Moon" (eg, E565(6)).

crimes for which Charles had been judged. They had set up an arbitrary court, tried a man without a jury or even a proper charge, and had exercised their own political judgement over a man's death. As the Leveller quartet put it in *A Picture of the Council of State*, "the present Gentlemen at Westminster can make it appeare they are the peoples Representatives, being rather chosen by the will of him, whose head as a Tyrant and Traytor, they have by their wills chopt off".³⁷ In *A Manifestation*, they claimed they were a more proper instrument of an anti-tyrannous spirit than the people at Westminster:

For those weake suppositions of some of us being Agents for the King or Queen, we think it needful to say no more but this. That though we have not bin any way violent against the persons of them, or their Partie, as having aimed at the conversion of all, and the destruction of none, yet we do verily beleeve that those Principles and Maxims of Government which are most fundamentally opposite to the Prerogative and the Kings interest, take their first rise and originall from us...³⁸

However, these principles of public good had not been advanced, "the change (in government) be onely Notionall, Nominall, Circumstantiall, whilst the reall Burdens, Grievances, and Bondages, be continued, even when the Monarchy is changed to a Republike".³⁹

37. *A Picture of the Council of State*, 3 Apr., 1648(9), E550(14), pp.15-16

38. Aylmer, *The Levellers and the English Revolution*, pp.154-5

39. *Ibid.* p.152

The second set of pamphlets, represented by the two series, were often anonymous, but when signed, purported to come from ordinary soldiers. The pamphlet entitled *The Hunting of the Foxes*⁴⁰, for example, was signed by five former cavalry troopers who had been cashiered for mutiny. If it was, in reality, the product of collaboration with the Leveller leadership, it revealed a very sophisticated tailoring of the argument to suit the audience. In place of the secular, sophisticated and political criticisms which characterised *A Manifestation*, and *A Picture of the Council of State*, *The Hunting of the Foxes* had more in common with the attacks on Cromwell and Ireton made towards the end of 1647. It was far more religious in its arguments and concentrated on a moral case, rather than a political one. For example, *The Hunting of the Foxes* railed bitterly against the Lieutenant-General, asking,

was there ever a generation of men so Apostate so false and so perjur'd as these? did ever men pretend an higher degree of Holinesse, Religion, and Zeal to God and their Country than these? these preach, these fast, these pray, these have nothing more frequent then the sentences of sacred Scripture, the Name of God and of Christ in their mouthes: You shall scarce speak to Crumwell about any thing, but he will lay his hand on his breast, elevate his eyes, and call God to record, he will weep, howl and repent, even while he doth smite you under the first rib. ⁴¹

40. *The Hunting of the Foxes* by Robert Ward, Thomas Watson, Simon Graunt, George Jellies, William Sawyer, Th. 21 March, 1648(9), E348(7).

41. The quotation is taken from Aylmer, *The Levellers and the English Revolution*, p. 149

The religious nature of this passage is marked, in comparison to the pamphlets which emanated from the four imprisoned Levellers. The 'foxes' series had more in common with the pamphlets of William Bray. Although within the body of the writing itself, links were made between the 'persecution' of Bray, serving soldiers, cashiered soldiers, Leveller leaders and the London citizens inspired by Leveller ideas to present the petition of 11 September, 1648, these were more likely to have been for propaganda value, than truly to reflect organisational links. These pamphlets represented a realignment of opposition groups, who were all 'persecuted' by the new regime. They gave them common cause against the Commonwealth government. Murray Tolmie has suggested that this breakdown was centred around the *Second Agreement*, though he convincingly demonstrated that the tensions between the Leveller leaders and the gathered churches which produced radical sectarianism had existed from late 1647.⁴²

This pamphlet war formed a backdrop to the actual mutiny of several regiments of the New Model in the face of their impending transfer, without arrears, to Ireland. Though the soldiers' grievances were primarily the same as they had been in 1647 - a refusal to disband or to serve in Ireland until their calls for pay and limited reforms were met - they now

42. See Tolmie, *Triumph of the Saints*, pp.169-184

carried the edge which the failure of their expectations in the new regime had brought. They were to be tried by the great policing instruments of the government, the Council of War and the Council of State. They had failed to see their hope for a regime which would allow them access to law, the franchise, and religious liberty, come to fruition. There was a growing consensus among former soldiers such as the authors of the 'foxes' pamphlets, the levellers in London, their imprisoned leadership and the radical millenarian churches, which was not co-ordinated, but which gave the Rump serious problems of internal security in its earliest months in office.

Though these groups grew to oppose the government, to varying degrees, it is also true to say that there were those who had supported the trial and execution of the King, had approved the setting up of the republican government, and who remained loyal through the summer of 1649, but who were still issuing a similar, warning message to the government. Primary amongst these were the ministers who were attached to the New Model Army. For example, Robert Bacon was a chaplain to Fairfax. In his, *The Labyrinth the Kingdom's In*, which he dedicated to the High Court of Justice, he declared that he gave his, "vote to the slaughter of this king"⁴³. However, like the more open critics of the government, he was concerned to oppose tyranny not just in King Charles, but in all worldly

43, Robert Bacon, *The Labyrinth the Kingdom's In*, Th.7 Feb., 1648(9), E541(26), p.3

governments. Christ, he said, would do justice upon all, "I mean, not upon King Charles for All, but you, as well as others; I mean, not upon King Charles for All, but King Lucifer in All, King, Parliament, Army, All"⁴⁴. Bacon asked of the present powers, "be not so hasty, hot and violent in condemning the Powers [that] went before you"⁴⁵ and claimed that there was still more of the soldier than the Christian in the Army⁴⁶. His text was from the New Testament Book of Galatians, 'If I build again the things I have destroyed, I make my self the transgressor'.⁴⁷ Finally, despite his statements of loyalty to the High Court in the dedication, he added a postscript to the reader. Here, he declared that he had hoped to publish his work before, "the fall of the late Great King" and to, "stand in the way of that spirit that consented to the putting him to death"⁴⁸.

Another chaplain in the Army, Joseph Salmon, who, by a rather tenuous link, was tied to the so-called ranter, Abiezer Coppe⁴⁹, published, *A Rout, A Rout*, in which he did not disapprove of the decision to execute Charles, because it was

44. Ibid. p.41

45. Ibid. p.44

46. Ibid. p.45

47. It is significant that a New Testament text was used, rather than the pre-execution emphasis on the Old Testament.

48. Ibid. p.46

49. Clarke MSS, xviii fols.25-27, letter from Andrew Wyke to Samuel Snell from Coventry jail, 1 April, 1650

shown to have been God's will. He repeated the theme outlined by Poole, that the King's authority had naturally come to rest in the Parliament: "the power and life of the King, and in him the very soul of Monarchy sunk into the Parliament, and here it lost its name barely, but not its nature"⁵⁰. Salmon believed that the new government were in danger of acting under worldly and not spiritual principles:

This cloudy and veiled appearance of God amongst you, puts you upon preposterous designes, upon low and carnal Enterprizes: You have taken away Charles his life, because otherwise he would (its likely) have taken away yours. True, it is the good will of the Lord it should be so, I have nothing to say against it; the Lord in this cloud leads you forth to it, and in this you have played the parts of men acting under a fleshly discovery of things. You are to lead forth in a way of vengeance upon your adversaries; you sentence and shoot to death at your pleasure; it little moves you to trample upon the blood of your enemies; this is your Victory, Glory and Triumph. All this is well; you must tarry here till God moves higher amongst you.⁵¹

Salmon criticised the image of worldly heroicism which had previously been criticised in Charles, and counselled the government to follow the Gospel virtue of charity, which "thinks no evil".

There were a number of common points of reference in these tracts. All of their authors were expecting the new age of the Gospel and its accompanying system of values. They were all

50, Joseph Salmon, A Rout. A Rout. Th. 10 Feb., 1648(9), E342(5), p.3

51, Ibid. p.8

hostile to the spirit in which Charles had been executed, and believed that the King had been killed for personal revenge; for fleshly, political motives, which were not truly directed by God's will. Those who tried to change the minds of the Army Council prior to January 1649, and who counselled the new government after January 1649, believed themselves to be prophets. They saw it as their role to correctly interpret the Scriptures through divine revelation and to warn the government of the possible outcome of their course. They all believed in the separation of the person and office of the magistrate and that the role of the Army and Parliament was to destroy tyrannous principles. They did not believe that they had the authority, from God, to destroy life: on the whole, despite the destruction of the idea of the great man, they still held the person of Charles Stuart in some form of reverence, believing his death to have been unnecessary, or retaining the belief in his divine ordination.

The regiments of the New Model Army which had called for Charles' trial at the end of 1648 had been imbued with the principles of the Old Testament. They were judging Charles because of his failure to keep the strictures of the Covenant of Moses, or the Ten Commandments. There were two possible objections to this. If it was argued that Christ had already given the earth a new set of values, based on the New Testament, or the Gospel, then it could also be argued that Gospel values were more important when it came to trying

Charles. If the parallel of the situation in 1648 with that of the slavery of the Israelites was maintained, the final defeat of tyranny with the death of Charles Stuart, should have ushered in an age of Gospel values in government. The critics which have been studied here did not recognise either case. Even those who were supporters of the government, and who usually by-passed this argument by calling for patience and citing possible oppressors who had still to be defeated, could not stall the growing wave of criticism of the government's worldly ways for long. In truth, many of the government did not recognise this argument from biblical values, and saw the political benefits of republican government manifested in the new institutions which they had established. Others did not recognise the religious aspects of the expectations which supporters of the government entertained, but nevertheless felt that the return of the conservatives was hampering the reforms which were necessary to free the people from their former bondage. Men such as Thomas Harrison, however, were growing increasingly impatient with the progress of godly government, and he carried Cromwell with him in his millenarian criticisms of the worldliness and self-seeking of the Rump.

John Warr was to call for the principles of "light and knowledge", and "integritie and honesty"⁵². Robert Bacon

52. John Warr, The Priviledges of the People p.2

called for a new court of grace, mercy and favour to either replace, or temper the effects of, the retributive High Court of Justice. He called for the reign of King Jesus, rather than that of King Charles, King Fairfax or King Cromwell. If the government was truly from God, he believed, they would demonstrate it by their acts. They would do good for evil, even to those that hated them. They would heal, save and restore the land. Bacon objected to the "Jewish, Heathenish outcry" for justice to be done on the King, without, "mercy, love, goodnesse, reconciliation... compassion"⁵³. Those soldiers who were chosen to go to Ireland and who printed a paper opposing their posting, were doubtful of the justness, in moral terms, of, "the killing and slaying of men any more".⁵⁴ Poole called for Charles to be treated with mercy and pity, for they must act against him, "but not after any former rule by men prescribed for cure, (but after the rule of the gift of faith)"⁵⁵

Combined with the call to act by Gospel principles was a criticism of the worldly actions of the new government in terms which echoed those which they had used against Charles. Even the New Model's own forces claimed, "Oh! the Ocean of

53. Bacon, The Labyrinth p.16. "Jewish", in this context, refers to the values of the Mosaic, Moral Law.

54. The title is given to it by Thomason, "A Libell, scattred about the Streets ye 25 Aprill 1649", E551(21), n.p.

55. Poole, An Alarum of War, p.6

Blood that we are guilty of. Oh! the intollerable oppression that we have laid upon our Brethren"⁵⁶. They continued that their actions had brought worldly glory to Cromwell and Fairfax and given them the audacity to, "lay their Sovereignes head under their feet, and many of his Nobles in the dust"⁵⁷. Poole attacked the government for setting up new idols, and believed they would suffer the same fate as the late King:

for yee have found glorious glittering Images of State policies, religious Ordinances, Orders, Faiths, Lights, Knowledges, and there are drawne over them very beautifull pretences...for old things shall be done away, and behold all things shall become new, wherefore when the Lord shall have executed vengeance on your evill party...then shall you take the covering of your Images, your graven and your molten Images, and cast it from you as an uncleane ragg, saying, Get thee hence. ⁵⁸

The supposedly 'well-affected', "middle sort of men" in Buckinghamshire, supported the imprisoned Leveller leadership and Captain Bray, claiming that lawyers, County Committees, and Army officers were keeping up the kingly interest though they had altered the title. They were, "grown to an extream height of avarice, pride, hypocrisie and apostacy, meer arbitrary Politicians prefering their filthy lucre, and diabolical interests, gain and ugly honor, more then the common Freedom of us and the soldiery"⁵⁹. The soldier, William

56. The Souldiers Demand, Th. 18 May, 1649, E555(29), p. 1

57. Ibid, p. 2

58. Poole, An Alarum of War, pp. 12-13

59. A Declaration of the Wel-Affected in the County of Buckinghamshire, Th. 10 May, 1649, E555(1), p. 6

Thompson, called the High Court of Justice and the Council of State, "bloody and tyrannical Courts", echoing the language that was used of Charles' prerogative powers.

At the root of this critique of the republican government was the belief that the fundamental ethos of government had not changed. It had merely replaced one form of tyranny with another. Though monarchy and the Lords had been abolished, these critics claimed that that did not necessarily remove the causes of their oppression. If the new regime set up their own legal system and parliamentary form of government, this was equally fleshly and equally oppressive to the Saints, who were destroying earthly forms to prepare for the kingdom of God. The soldiers who were still without their arrears of pay, and were likely to be shipped to Ireland to see further war service, had a particular grievance. They saw those institutions of government which decided their posting, retained their pay, and disciplined them when they refused to serve, as part and parcel of the old tyrannous regime. Similarly, John Lilburne saw no distinction between being tried by Star Chamber or Council of State, when he claimed only to be fighting for the natural rights of the English. Indeed, since the new government had sworn to uphold those rights, his bitterness towards them was greater.

The second point of reference which these critics had in common, was their distinction of the person and office of the

magistrate. Since they were only interested in the spiritual, and eshewed all fleshly aspects of mankind, the separation which they envisaged was total. They were unconcerned with the personal aspects of power. To them, personal power was an abomination before God. It encouraged man's pride and vanity, it caused war and bloodshed, and led to the setting up of worldly governments which were the epitome of pride. These governments were bound to oppress the Saints because, intrinsically, they were based on the wrong principles. Figures such as Poole and Erbury, therefore made an absolute distinction between Charles' person and Charles' office. They conceded that as a result of Charles' tyranny, the authority which accompanied the office of monarchy, had passed to the Army or the Parliament. They also, however, believed that it was the *principle* of monarchism which was tyrannous rather than the person. As John Redingstone stated it in January 1649,

We know the Parliament have the King authoritatively with them, both for the making and executing of Law in its royal power, office and capacity, they have the Sword, the Scepter and the Seal, that they may doe justly, love mercy, and walk humbly with God. Mic. 6. 8. And hath it not been in this sense, the King cannot deceive, nor be deceived, never dies, can neither doe, nor take wrong? and is it not in this sense wee have fought for the King and Parliament, when the King was in personal opposition to both? And is it not most righteous and just, that his Person in this sense should be subject unto the power authoritative.⁶⁰

60. John Redingstone, Plain English to the Parliament and Army, 12 Jan., 1648(9), E538(4), p. 5

The only authority which had therefore passed to the new elite was the power to act on behalf of the Saints in accordance with the will of God. Any other action was fleshly and indicated that they had assumed the tyrannical principles of monarchy as well as its divine sanction.

The spiritualistic critics of the Commonwealth also made a clear distinction between the principles which should be applied to Charles' office and those which should be applied to the person. Charles' person was to be treated with pity and mercy, in other words, according to the Gospel. However, the Old Testament language of divine retribution, destruction and judgement, was reserved for the worldly aspects of monarchical power. At their trials, even committed republicans were careful to state that they bore no personal malice towards Charles. Since they were bound to be condemned, and did not deny that they had promoted the King's execution or that they were part of the subsequent republican government, they can not have said so merely in an attempt to mitigate their sentence. The supporters of the Commonwealth attributed these values to them. For example, a pamphleteer who related the trial and execution of twenty-four convicted robbers at Tyburn, declared that they were executed because the judge considered the greater good of all of the people to be the chief law. However, he believed that the government, "had an eye of pitty to those whom the Law would pardon as not hating

the persons, but the vice in the persons"⁶¹. This system of values reiterated that all men were sinful and therefore it was not the role of one sinful man to seek to judge another's life forfeit. The sinfulness in man was encouraged when he was set up in an office as powerful as monarchy. Those who did not believe in the personal appearance of Christ on earth, which included all of the personalities discussed here, believed instead, that in Christ's "due time, will doubtless reign throughout the Kingdoms of the world. I mean not personally, for I by no means apprehend that, though I highly honour some that are thought so to conceive, but powerfully and spiritually in the hearts and lives of the Saints"⁶².

There was a deeper theological reason behind the refusal of critics such as Bray, Poole and Erbury to condemn Charles. They believed in the doctrine of 'general' or 'universal' redemption. This was an extension of the argument which held that since all mankind was sinful, the burden of man's sinfulness should not fall more heavily on one individual than another. The doctrine of general redemption held that all mankind had the potentiality to be saved. The burden of Man's sin should not be attached to the individual sin of Adam in his fall from grace in Eden.⁶³ Man's sinfulness was not

61. A True and Perfect Relation of the Tryall, Condemning, and executing of the 24. Prisoners, 29 June, 1649, E662(24), p.2

62. Franciscus Leinsula, The Kingdomes Divisions Anatomized(sic), 21 Feb., 1648(9), E345(25), p. 13

63. This was an argument made by Christopher Hill in The Experience of Defeat, though he did not extend its application to kings.

traceable to, or attributable to, Adam. Therefore, the sinfulness in man's character which caused him to oppress and tyrannise his neighbours, was not traceable to, or attributable to, Charles Stuart. It was a result of the kingly principles present in all men and not the institutional kingship of Charles.

The critics of the government also believed themselves to be prophets. They may have made use of prophetic texts because they were taking advantage of the dominant theme of Army thinking, or they may have used them because they illustrated the role which they saw for themselves in contemporary society. Poole was a member of William Kiffin's church in London. Even so, she is unlikely to have had access to the sermons which were preached before Parliament, or to know that the Prophetic Books were being studied by members of the Army Council. Similarly, William Erbury did not possess any great influence, and though he took part in the final stages of the discussions at Whitehall, he could not have been privy to the thoughts of the Army grandees. Therefore, Poole, Erbury and others, saw themselves as prophets because they saw a parallel between the state of Israel and the state of England in 1648, and wished to fulfil the same role in seventeenth-century England as the prophets had done. In other words, they wished to point out the sins which had brought the country to its current state of oppression and show them the way to achieve truly godly government.

Poole therefore told the Army Council of her vision, which was, she claimed, divinely inspired. She also described herself as, "a servant to the most High God" in *A Vision*, and, "a messenger of the Lord to the Generall Council, concerning the Cure of the Land, and the manner thereof", in *An Alarum of War*. She also wrote a pamphlet entitled, *A Prophecie touching the death of King Charles*. John Redingstone warned the Parliament and Army that those who did not follow God's counsel, "if ye shall still doe wickedly ye shall be consumed both yee and your King, I Sam. 12. ult."⁶⁴. William Erbury delivered a warning message to the Army, though he claimed that it was not his aim, "to Rebuke an evil Spirit in any".⁶⁵ William Sedgwick who, like Erbury, had been a preacher in that hotbed of sectarianism, Ely, wrote of, *The Spiritual Madman, or a Prophesie concerning the King, the Parliament, London, the Army*, in which he told the Army that they had, "hazarded [their] lives for justice and freedom, and can't now insist upon pay".⁶⁶ The following day, Thomason acquired a copy of *The Presbyterians Prophesie concerning the King, Parliament City Army and Kingdome*, which was an abbreviated form of Sedgwick's tract. Though in the higher echelons of power, Whitelocke reported that, "some were reserved as to their opinion",⁶⁷

64. Redingstone, *Plain English*, p. 6

65. Erbury, *The Armys Defence and Camden Society*, "The Clarke Papers", ii, pp. 175-180

66. William Sedgwick, *The Spirituall Madman or a Prophesie*, Th, 20 Dec., 1648, E477(9), p. 3

67. Whitelocke, *Memorials*, ii, p. 486

there was no shortage of those who were prepared to offer their view. By claiming themselves to be prophets or their views to be a prophesy, they were maintaining that their position was uniquely valid because it carried with it the spirit of God. Some hoped that it would simply serve to demonstrate the inevitable damnation that would befall the authors of the 1649 settlement. Others tried to point out the error of their ways and encourage them to change course, hence the furious activity within the Army Council whilst they were discussing the trial of the King and the *Agreement of the People* which would re-establish a worldly government.

The leaders of the Army paid great attention to these so called prophets. At a time of great uncertainty and doubt, one who could confidently claim to carry the Holy Spirit, was an indispensable ally. The interviews with Elizabeth Poole, though a minor incident in the frenetic activity of 1648-9, were illustrative of this point. At the first interview, Poole's messages were difficult to understand. She presumably was in some form of charismatic trance and in a wild state, adding to the feeling that her message was of some import. She spoke from the Books of the Prophets, in biblical phrases which the Army officers would no doubt have recognised. She praised the Army for their work in destroying tyranny, and claimed that, through her, it could cure the illnesses of the nation. As such, the Army Council were receptive to her message, and believed that she was proof, further to their

providential victories, that God had sanctioned their decision to try the King and settle the nation by an *Agreement of the People*.

On her second visit, however, when she presented a paper which specifically argued against the execution, the Army Council suddenly became hostile towards her. Having been convinced that she possessed the Holy Spirit at her first interview, they now doubted it. They pressed her over and over for a further tangible sign or demonstration that she possessed the Spirit. They asked her specific questions about the King's trial. When she did not answer them, repeated her original message, and claimed not to understand their questions, Ireton hurriedly moved the Council on to their next business. It appeared that the Army Council had not done what Cromwell believed they had. They had not emptied their minds of all fleshly thoughts and abandoned political goals in favour of the humility of allowing God to lead them. They had instead, decided on political expediency, and claimed it to be the will of God. They were able to justify their right to assume political authority, and even to try the King. Military victory, and God's support had given them that right. The critics of the Army did not believe that it gave them the right to take away the King's life.

The majority of those who were critical of the government after 1649 had been its supporters until it had started to

discuss the possibility of trying and executing the King. They were often soldiers in the New Model who had grievances over pay and conditions but they were united behind the idea that their army was God's army and that they were destroying oppressive principles and institutions. However, many were critical of the King's execution, in as much as they gave a warning that God would judge them by the same principles by which they had judged the King. Others were openly hostile to the idea, particularly in the army itself. They did not form a coherent, organised group, in the same way as the republican group, partially because hostile pressure from republicans had driven them from the Army. However, once Charles had been executed and the full disappointment in the new government was realised, they were a powerful source of unrest. Not only did the Commonwealth have to contend with the continuing war in Ireland, and Royalist recruitment abroad, there were also hostile forces at home, and from amongst their own ranks. Disillusioned New Model soldiers joined with the Leveller leadership, and radical religious sects, to point out the ways in which the new government did not match up to their expectations. The government was faced with pressure from Presbyterians on one side, and radical millenarians on the other. They were eventually to choose to appease the Presbyterians.

CHAPTER 8: "The Engagement".

Like the regimes which had preceeded it, the republican government formed by Pride's Purge and the execution of the King, introduced an oath of loyalty. Their oath, 'The Engagement', was to take several different forms, and had some unique features. More importantly, for those to whom it was administered, it proved a real test of conscience. Loyalty to the highest civil powers had previously been assumed as a matter of course, but the Commonwealth brought a fundamental change in the constitution, and forced people to face the problem of allegiance. Did they actually support the republican settlement; and were they prepared to lose their standing in the community by making a public statement of opposition?

The idea of imposing a national oath was not an innovation, and it is particularly relevant for a study of the Engagement, to draw attention to features of the Solemn League and Covenant. The full title was, "The Solemn League and Covenant for the Reformation of Religion, the Honour and Happiness of the King, and the Peace and Safety of the three Kingdoms of England, Scotland and Ireland"¹. Its two most

1. Text in Gardiner, Constitutional Documents, pp.267-271

important features were therefore, defence of the King, and of religion. More precisely, this meant, and by 1648 was taken to mean, defence of the person of Charles Stuart and of the Presbyterian hierarchy.

The Covenant was a particularly long and complex document, and though this did not appear remarkable in 1643, it came to be contentious at the end of the 1640s. As a 'covenant', as opposed to any other form of declaration, it implied a particularly religious nature². It was not a contract between man and man, but between man and his God. Oath takers were to have the, "glory of God", and, "the advancement of the kingdom of our Lord and Saviour Jesus Christ", before their eyes. They were to lift their hands up to the most high God" for,

the preservation of the reformed religion in the Church of Scotland...the reformation of religion in the kingdoms of England and Ireland...according to the Word of God, and the example of the best reformed Churches...³

The Covenant aimed to bring about uniformity of, "religion, confession and catechising", throughout the three kingdoms.

The role of the King was equally unambiguous. Presbyterian parliamentarians felt a heavy need to emphasise their loyalty to the Crown, in order to counter Royalist accusations of

2. Other phrases such as 'testimony' and 'oath' also had certain religious connotations, but not to the specific extent of the term 'covenant', which related directly to the covenants of Abraham and Moses. This was a point which was considered important to contemporaries.

3. Gardiner, Constitutional Documents p.268

republicanism. Whatever the possibly republican conclusions behind some of the early Scots-Calvinist literature, the authors of the Covenant were far from implementing them. Their oath would enable the world to, "bear witness with our consciences of our loyalty, and that we have no thoughts or intentions to diminish His Majesty's power and greatness".⁴

Having tendered the oath to MPs on 25 September, 1643, the authors of the Covenant were successful in "encouraging" subscriptions from churches, "groaning under or in danger of the yoke of Anti-Christian tyranny". Throughout the 1640s, Parliament was reminded whenever its objectives seemed in danger. Though it was ostensibly a statement in support of the King and the Calvinist settlement, its implications were of a wider political nature. It was a declaration of support for the policies and direction of the prevailing parliamentary faction - the Presbyterian-dominated party of John Pym. Most of the MPs who were to become central to the 1649 settlement had taken the Covenant, and some, like the younger Vane, were partially responsible for its birth⁵.

An oath for the new republican government was first mooted in February 1649⁶. Whitelocke believed Ireton to have been

4. Ibid, p.269

5. Vane was one of the Parliamentary Commissioners responsible for negotiating the alliance with Scotland,

6. The history of the Engagement for the Council of State is one of some confusion and complexity. I have treated it in greater detail in an article, "The Engagement for the Council of State and the Establishment of the

responsible for the form of an oath to be offered to the Council of State, MPs and state officials. The evidence is unreliable. A letter from Croulle⁷ to Mazarin, quoted by Gardiner⁷, stated that "many believed" the oath to have come from Ireton, but this was not an absolute statement, and the letter was written nearly two years after the event. Ireton was held responsible for many Army documents in the late 1640s, and his rank, and relation to Cromwell, made him the target of wide ranging and often misdirected hostility. The Engagement which emerged in February 1649 applied only to the Council of State, and when elections to the Council were held, Ireton failed to be elected.⁸

Thirteen members of the Council of State took the Engagement on the evening of Saturday, February 17. The day and time implies that this was an extraordinary meeting, probably to establish tactics and discuss an agenda for constitutional change. As such, it is strange that the arch-conservative, Sir William Masham, was one of the fourteen present. He alone refused to subscribe. However, the other thirteen Councillors were all members of, or closely associated with, the regicide/republican group. There is no record of the oath taken on February 17 but Whitelocke reported the first 'official' meeting, two days later, at which the Engagement called for approval of, "all that was done concerning the king and kingship

Commonwealth Government", a copy of which is included and which is under consideration by Historical Research.

7, Gardiner, Commonwealth and Protectorate, i. pp.3-8

8, As above

and for taking away the house of lords, and against the Scots invasion. &c."⁹. The oath for the Council of State therefore acted as a simple but definitive statement of the radicals' position. It was not designed to be taken by those who could not wholly support the republican settlement or the way in which it came into being.

As such, it succeeded rather too well. Only nineteen of the forty-one Councillors subscribed. Lord Grey of Warke could not accept the validity of actions taken by the Commons alone. The other lords were willing to serve the government in the future but could not sanction their route to power. Fairfax refused to give his reasons. Whitelocke could not approve the words, "High Court of Justice", Sir James Harrington would not "fully" approve the Parliament's actions prior to January 30¹⁰. A combination of these statements reveals how radical the original oath must have been. It called for 'full' approval of the trial and execution, the High Court and the republican constitution.

The low number of subscriptions weakened the Council's credibility and cohesion. Consequently, there were a series of complex moves to conciliate non-subscribers, followed by

9. The thirteen original signatories were, Sir William Constable, Oliver Cromwell, Sir John Danvers, Lord Grey of Groby, William Heveningham, Cornelius Holland, Edmund Ludlow, Henry Marten, William Purefoy, Luke Robinson, Thomas Scot, Anthony Stapley, and Valentine Wauton. The six who signed on the 19th are a matter of conjecture. The State Papers (SP25 I 3b(2)) reveal that amongst those who did not subscribe were Pickering, Wilson, Masham, Haselrig, Bond, Lord Lisle and Popham. The six were therefore probably, Hutchinson, John Jones, John Lisle, Mildmay, Pennington, and Wallop.

10. SP 25 I 3b(2), 19 Feb., 1649

retaliatory countermoves to regain the original sense of the oath. On February 21, the House decided that, "ye Lords and Gentlemen who have not yet subscribed shall have the voice of the Instructions and teste". This is an ambiguous statement, but seems to imply that irrespective of their non-subscription, Members were to be allowed to act in Council. Attendance fell from seventeen to twelve. On 22 February, the Engagement went before the full House for ratification. Ireton and Marten failed to re-insert a phrase approving the High Court, though they won a vote to retain the words, "without King or House of Peers". The House then agreed, "that this shalbe the Engagement to which the Councell of State shall signe", and those Councillors who signed this Engagement were, "to sitt & Act in the Councell of State notwithstanding any former Order".

The House had not finished its prevarication over the Engagement. On 23 February, it resolved that, "the Vote entered as passed Yesterday, in the Words; viz. 'That this shall be the Engagement to which the Council of State shall signe': be vacated"¹¹. The Engagement was thereby left on the statute books, but the obligation on Councillors to sign before they could take their seats, was removed. As a result, attendance at Council rose sharply at the afternoon session on February 23. According to Whitelocke, a storm kept many Members away, but radicals seem to have had fewer difficulties braving the

11, CJ vi. p.149

elements.¹²

The Engagement for the Council of State revealed early evidence of the tensions between regicidal and republican ideas. The signatories had to acknowledge the trial and execution of the King, and approve the form of government as a, "republique, without King or Howse of Peers". It therefore represented both retrospective approval of the regicide and an intention to abolish both King and Lords, which was confirmed by the Acts of 17 and 19 March.

It also established two points which were to recur throughout the history of the oath. The radicals had been forced to back down from their commitment to apply the oath to all Councillors in the face of the refusal of the majority. Secondly, the oath had been designed to bind together the disparate elements which made up the Council. The Council was comprised of Members who had all the *gravitas* and expertise born of long and distinguished parliamentary careers, such as Bulstrode Whitelocke and Oliver St John. There were MPs, such as Henry Marten, who were also long-standing parliamentarians but who had seen active service in the New Model. Councillors such as Philip Skippon were primarily soldiers but had been returned in the 'recruiter' elections. Fairfax was a soldier who probably did not sit. Crucially, Council also contained several lords who were not members of the Commons, though some, of whom the Earl

12, Whitelocke, Memorials, ii, p.539

of Pembroke was the most notorious¹³, were subsequently elected. Had all taken the Engagement it would have been a common thread between them as well as a common recognition of the supremacy of the Commons over the Council. In effect, these two aims were contradictory. The republicans were torn between making the Engagement a radical statement of their position, in which case, conservatives would refuse to sign, or watering down the oath to produce a united front. When the obligation to take the Engagement was abandoned altogether, it could be said that they failed on both counts. The Engagement also intended to have the effect of raising an abstract concept, "the public liberty", above the political allegiances of individual members. In place of personal will was to have been a declaration of public interest, which nominally, was higher than all governors, though in effect it was dictated by the Commons and the Council.

Councillors had to swear an oath of both loyalty and secrecy. The security of the state was of paramount importance during the formative months of the new government, and this dictated the subsequent direction of the Engagement. The most obvious breach of security came from Ireland, combined with leveller-inspired, army resistance to Irish service. The oath was therefore retained and used as a guarantee of the security of the republican settlement. It was to be taken by those regiments who were allotted Irish service, and by government

13. Some of the satirical pamphlets about Pembroke's election can be found in the Thomason collection; E551(16), E551(17), E555(5).

employees dealing with propaganda.¹⁵

The trial and execution of the King had alienated many of the government's supporters, and the regime was again troubled by its loyalty in the New Model. On April 3, the Council of State wrote to Colonel Robert Tothill, whose regiment was marching towards their embarkation point:

Several counties by which your regiment marched complain of the great insolencies and disaffection of many of your soldiers, who openly profess to have served the enemy, and say they will do so again when there shall be occasion. Take care that none so affected may be transported...¹⁶

A pyramid was established whereby the oath was offered to Tothill who, having subscribed, was to do the same to his subordinates, until every member of the regiment had been tested. Those who refused were to be disbanded, and so, in the words of the Council, the regiment was to be "purged". Of the regiments which were to see Irish service, that of Colonel Jones was already in Dublin. Colonel Jones was to be offered the test by Colonel Reynolds and those of his soldiers who refused were to be disbanded in Ireland¹⁷. The test called on soldiers to be faithful to the, "Commonwealth, without King or House of Peers", to obey the orders of the Council of State, to

15. Regiments were chosen to undertake Irish service by lot, chosen by a child in order to ensure the most direct influence of providence. Unrest in the regiments chosen was such that discussions were soon under way to return to voluntary Irish service.

16. SP 25 I, 94 p.69

17. The Jones referred to here was Michael and not John. John Jones was still attending the Council of State in April 1649. Michael Jones had been in command of the English armies around Dublin for some time, and had not sailed to Ireland immediately prior to the test becoming a requirement.

do nothing to prejudice the Commonwealth, and to actively discover plots against it.

A test was also applied to those who were employed directly by the government, such as secretaries and propagandists. The Council employed hack propagandists, of whom John Milton was the most notable, to reply to specific anti-government tracts. However, a Mr Hall was also employed during May 1649. He was to be paid £100 a year, and £30 was to be advanced, provided he took the test¹⁸. No wording was specified for this purpose and was probably similar to that offered to the Army.

The government returned to the Engagement in September 1649. On September 5 it passed an Act, to come into effect on September 10, which introduced a compulsory oath for all those elected to London Council, and the mayors and officers of the boroughs and corporations. This version read:

You shall swear, That you shall be true and faithful to the Commonwealth of England, as it is now established without King or House of Lords: You shall well and truly execute the Office of Major within the City of ---- and Liberties thereof, according to the best of your skill, knowledge and power. So help you God. ¹⁹

It was still difficult to get returns. For example, at the end of the month, the Council wrote to the Mayor of Southampton demanding to know why it had not received their list of

18, SP 25 I, 62 p.305

19, SP 25 I 94 p.461

subscriptions and requiring them to return the names of those who had refused²⁰. The Council of State was still more interested in those whose non-subscription rendered them disloyal than in securing the maximum level of subscription.

On 11 October, 1649, the decision was taken to extend the Engagement to all public employees. It took the form of a simple statement: "I do declare and promise, That I will be true and faithful to the Commonwealth of England, as the same is now established, without King or House of Lords". It was to be taken by MPs, soldiers, employees and officers of the state, sheriffs, borough employees, the staff and students of Eton, Winchester, Westminster, Oxford and Cambridge, and all clergy who expected to have a benefice and a place on the Assembly of Divines. They had until 1 January, 1650, to subscribe.²¹

With the 'purges' throughout 1649 and the security crack-down which followed the Leveller risings in May, the government had no difficulty securing returns from the New Model. Colonel Ingoldsby's regiment were moved to subscribe a spontaneous engagement because anti-government agents had, "so farre ensnared" them that they had only narrowly averted a fresh outbreak of war. Whitelocke reported that, "not one in a thousand did scruple at the signing of it"²². Completely

20, As above

21, Resolves of Parliament Touching the Subscribing of an Engagement by or before the First of January next, 11 Oct., 1649, 669, f.14(82)

22, Whitelocke, Memorials ii, p.125

unanimous returns followed from Carlisle, Hull, Scarborough, and Newcastle²³, and according to *A Perfect Diurnall*, twenty-five garrisons and eleven regiments of foot and horse had subscribed by early December²⁴. Though the time for subscriptions was extended²⁵, Army returns continued to flood in, and the extension can not have been as a result of their reluctance to declare their loyalty.

The choice of 1 January, 1650, as a final date for subscriptions, heralded the extension of the Engagement, the following day, to all citizens over the age of eighteen. The discussion about a universal Engagement had begun on 9 November, 1649, when a committee, "appointed to consider of the Way how the Engagement be taken by the whole Nation", had been formed which was almost equally balanced between radicals and conservatives. However, the quorum of this large committee was only five. It was chaired by Miles Corbet, a signatory of Charles' death warrant²⁶. On 20 November the quorum was reduced to three²⁷. Whilst the nation indulged in the usual, if frowned upon, Christmas festivities, the radicals issued a report from Council:

That the Declaration, which was ordered to be prepared for the Satisfying of the People of this Nation concerning the Test, which is now in a good

23. Ibid, ii, p.128

24. *A Perfect Diurnall* 10-17 Dec., 1649. "A List of the Regiments and Garrisons who have sent up their Subscriptions to the Engagement of Parliament".

25. By an Act of 23 Feb., 1650.

26. CJ vi, p.321

27. CJ vi, p.324

readiness, may be called upon; the Council being of the Opinion, that it will be of very great Use, for the better carrying on of the Taking of the Test.²⁸

There is no evidence that this declaration was issued.

Two months after the passage of the Act, few had taken the Engagement and the time-limit for subscriptions was extended to March 25, despite an attempt by Marten and Livesey to prevent it²⁹. Extra time did not increase enthusiasm. A resolution of 6 September, 1650, indicated a shift from the strident language of the early months of 1649: the Lords Commissioners of the Great Seal were now ordered to appoint appropriate people in the localities to tender the oath, and to note all those, "who are willing to take the Engagement". They were to have the same powers as they had had under the Act of January 2, "the Time thereby being elapsed"³⁰. On October 22, the militia were ordered to tender the oath³¹. However, despite these attempts, and the continuing debate in the presses about loyalty to the new regime, the Engagement was slowly allowed to lapse.

There are some immediate comments which can be made about the Engagement. Between February and March, 1649, there was an important change in the wording of the oath. The Engagement for

28. CJ vi. p.337

29. CJ Marten and Livesey lost the vote 20:58. Armyne and Salisbury were tellers for the yeas.

30. CJ vi. p.463

31. CJ vi. p.486

the Council of State designated the constitution a republic. After March 1649, with the test for soldiers, the constitution was described as a 'commonwealth'. This change came about a month before the official declaration of England as a Commonwealth on May 19. The reason for the difference arises from the status of the qualifying phrase, "without King or House of Lords". The radical group had succeeded in re-inserting this phrase into the Engagement for the Council of State during the debate in the House on February 22. The Engagement was therefore to call for loyalty to the, "Republique, without King or Howse of Peers". As such, so close to Charles' execution, the second phrase acted as a further definition of the first. A republic was a state which did not allow any executive power or ceremonial influence to a single individual or to a supposedly unrepresentative landed interest. "Commonwealth" was a term in far more common usage, and could apply to both the monarchy under Elizabeth or the republican state of Venice. It referred more to the sociological bonds which gave rise to the need for governments than to a particular constitutional arrangement. When added to the term 'Commonwealth', the qualifying phrase, "without King or House of Lords", assumed the status of further information. The new regime would be one which encouraged the bonds of mutual loyalty and respect integral to good government. The aim was to appear in sharp contrast to the private interest which had been fostered by the Stuarts. Therefore, in order to protect this bond between governed and government, the constitution specified that the causes of division, the kingship

and the Lords, were to be abolished. That this was the intention of the phrase is made clear by the addition of two words, as used in the Act declaring England to be a Commonwealth. England was to be,

governed as a Commonwealth and Free State by the supreme authority of this nation, the representatives of the people in Parliament, and by such as they appoint and constitute as officers and ministers under them for the good of the people, *and that* without any King or House of Lords³².

The second conclusion is also constitutional. One of the major differences between the Engagement and previous oaths of loyalty was the degree to which the government tried to establish universal subscription. Those who refused to take the Covenant were deemed untrustworthy, but there was no attempt to make the oath compulsory, in the way that was envisaged by the Act of 2 January, 1650. The drive towards universal compliance was probably influenced by the history of the *Agreement of the People*. The *Agreement* was to be a new civil contract, as, "we do now hold ourselves bound, in mutual duty to each other". It was to be regarded as a restatement of the fundamental constitution which delineated the boundaries of power. The Leveller leadership's view of the *Agreement* had been outlined by John Lilburne in, *Foundations of Freedom*³³. The Levellers wanted the signing of the *Agreement* to be a mark of loyalty to the new constitution. It would be the only voting qualification. When

32, Text taken from Gardiner, Constitutional Documents, p.388. My italics.

33, John Lilburne, "Foundations of Freedom", from Woodhouse, Puritanism and Liberty pp.355-367

the *Agreement* was discussed by the Army Council, all references to the oath as a voting qualification were lost, but the idea of a declaration of loyalty to the fundamental constitution remained, and was incorporated into the Engagement. This element may not have been purely for reasons of state. Since the republican group had close links with the Levellers, it may have been a major principle behind the drive to implement an oath.

In marked contrast to the Solemn League and Covenant which had been steeped in religious references, the Engagement was a secular oath. Though there were casual references to God's witness in two versions of the Engagement - that for the Council of State, and that of September 1649 for borough representatives³⁴ - the Engagement was a markedly secular declaration. This was a deliberate policy by the framers of the oath and a point of some discussion amongst those who were offered it.

The secularism of the Engagement was partially a reaction to the most obvious opposition envisaged by the government. Many of those who were being asked to subscribe to the Engagement, if they had held any position of responsibility within their communities, had previously been offered the Solemn League and Covenant. 'Solemnly', the Covenant had bound them to protect the

34. This may be accounted for by the fact that this oath also incorporated an undertaking to perform an office and the religious elements may therefore have been an accretion from previous oaths of this kind.

heirarchical church settlement and the person of the King. By trying and executing the King they had broken the Covenant in the most heinous way. It was difficult to see how these statements and the new government's specifically anti-Presbyterian stance could be reconciled with loyalty to the Commonwealth.

In the early forms of the oath, this was not an issue which troubled the government. Those members of the Council of State who had previously taken the Covenant admitted, as many at Putney had done, an unjust oath did not remain binding.³⁵ Similarly, those who were employed by the state in the Army or as propagandists had a particular commitment to the republic which overruled previous oaths. It was a problem with the September oath for borough representatives, and came to a head with the October Engagement for all community leaders. Taking the Engagement was a precondition of employment. Many were therefore faced with the choice of losing their standing within the community or compromising their consciences by taking two contradictory oaths.

With the lively debate about loyalty already raging in the presses, the government must have anticipated the sharp focus which the oath would add. In an attempt to forestall the inevitable controversy, it issued a declaration at the end of

35, See Woodhouse, Puritanism and Liberty pp. 1-47

September 1649.³⁶ According to this document, the government would have been satisfied with passive obedience from their former allies, a phrase which was to become loaded with significance. However, they had united with Royalists to, "make the bringing in again of Monarchy into this Commonwealth, to be the onely means of setting it in Freedom"³⁷. This was an oblique reference to the text of Romans 13, which had previously been cited by Royalists to justify loyalty to the Crown. It was now to be used to win over Presbyterian doubters. Romans 13 stated,

1. Let every soul be subject unto the higher powers. For there is no power but of God: the powers that are ordained of God.
2. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation.

The government, having declared that obedience was due to all governments, proceeded to outline why previous obligations had now been overruled. Past oaths had been, "specious and subtle", and the House was considering,

how such Acts and Ordinances, or any part of them, as they finde penal and coercive in matters of Conscience, which have been made use of for Snares, Burdens and Vexations to the truely sincere hearted people of God...may be taken away...³⁸

When the Commonwealth applied its Engagement, therefore, it was to be a short, simple and straightforward declaration, shorn of its references to the government's route to power, the witness of God, or a religious settlement. It was to be an entirely secular statement of man's commitment to live in society. The

36. A Declaration of the Parliament of England, 27 Sep., 1649, E575(9)

37. Ibid, p.4

38. Ibid, p.12

declaration was not an altogether successful attempt to convince doubters of the government's unambiguous intentions. It was, in itself, a curious mixture of the old republican language and a new pragmatism. It was tinged with an air of failure. Swamped beneath a mass of administrative detail, the government chose to blame domestic opposition for their dilatoriness in creating an ideal state. They therefore identified the old enemy, "the bonds of Monarchy and Tyranny", and claimed it was a common foe, promoted by a handful of delinquents who deceived the majority about the truly godly nature of the Commonwealth. The people's, "innocency and well-meaning", was leading them like lambs back to their former bondage. Using republican language, the government assumed that those Presbyterian doubters would agree that monarchy was the common enemy, and would regard the new government as their liberators.

The opposition which the Commonwealth administration faced centred around the Prebyterian churches. Thomason collected a handbill, "pasted upon divers Church doores in London", which named nine pro-government ministers who had been previous signatories of the Covenant. They were in,

diagrammatically opposition and directly contrary to the expresse Letter of the Oath of Allegiance, Protestation, and Solemne League and Covenant, which they have sworne with hands lifted up to the most High God; having perjuriously subscribed the late engagement to be true and faithfull to the Common-wealth of England as it is now established

without King or Lords.³⁹

As might be expected, William Prynne was a vocal, if unrepresentative member of the opposition group. He railed against the republicanism of the Commonwealth: its main end was to extinguish monarchy, the "first, antientest, universallest, honourablest, freest, best, happiest, safest, peaceablest, durablest Government of all others in the World"⁴⁰. The government's actions would not render England a "free Republick" but a miserable place. Royalists, he claimed, were,

preemptorily resolved, by the grace and assistance of our Omnipotent God, rather to endure ten thousand sequestrations, Imprisonments, Deaths; then to betray our King, Kingdomes, Parliaments, Lawes, Liberties, religion, all our earthly comforts, wound our Consciences, damn our immortal souls by our submission or subscription to this irreligious, flagitious, pernicious, scandalous, illegall, irrational, unconscionable, treasonable New Oath and Engagement...⁴¹

Despite the vehement opposition which came mainly from the hierarchy of the Presbyterian Church, there were a number of groups which supported the Engagement. These can be divided into 'republican' and 'non-republican' supporters, or, in the terms used by John Wallace⁴² 'old' and 'new' theorists. Such a straightforward dichotomy disguises the complexity and range of views which characterised supporters of the oath. However, it

39, MS Th, 11 Nov., 1649, "Being Sunday this paper was pasted upon divers Church doores in London", E579(6). This handbill repeated the phrase about God's witness from the Covenant.

40. William Prynne, Summary Reasons against the New Oath and Engagement, Th, 22 Dec., 1649, p.8

41. Ibid, p.15

42. J.M.Wallace, "The Engagement Controversy 1649-1652: An Annotated list of Pamphlets", Bulletin of the New York Public Library 68, 1964, pp.384-405

retains a value in distinguishing those theories which emanated from the 'Presbyterian' tradition and those which came from less structured radicals. Wallace applied the term "old theory" to the 'revolutionary', pro-republican attitude which was dominant in the first few months of 1649. The "new theories" were those which characterised conservative accommodation with the government later that year. However, there was a discernable intellectual tradition which was common to both.

Much of the 'republican' support for the Engagement has already been touched upon. The New Model Army had been purged of those who did not support the government and therefore signings of the Engagement were almost unanimous from the regiments. Many had already signed an oath, which, though it was referred to as a "test" and not as an "engagement", was similarly worded to the Engagement which was to emerge in October 1649. The Army and those communities which sheltered under its protection, were in the habit of producing spontaneous statements of support for republican government, such as that published by Colonel Ingoldsby's regiment at the height of the Leveller unrest. Similarly, the gentry of Lancashire, Yorkshire and Nottinghamshire signed a spontaneous declaration to assist the Northern Brigade, commanded by Major-General Lambert,

against the common enemy of this Nation, and that we shall with the hazard of our lives and fortunes, endeavour the preservation of peace of these Counties, against all forreign oy(or) domestique enemies, And do further unanimously declare, and enter into protestation, to live and dye with our Representatives assembled in Parl for establishing the peace of the Kingdom, and perfecting of the

great and glorious work in hand; and that we do approve of their late T(V)otes and Declaration for the government of this Kingdom without a supream or legislative power, either by King or Peers...⁴³

In addition to the obvious group of soldiers and propagandists, there was backing from a most unexpected source. The Leveller leadership, having been imprisoned by the Commonwealth government, reserved some of its most vitriolic attacks for the organs of the state which distinguished republican government - the High Court and the Council of State. Lilburne's case reached the Courts: he was found not guilty of treason by a jury, and released, to the acclamation of the London crowd. He was subsequently elected in December 1649, along with fellow radical, Thomas Pride, to the Common Council, where he was offered the Engagement, and took it. Lilburne's reasons echoed those republican arguments which the government had been trying to project with the Engagement for the Council of State. He agreed that it was the purpose of the Engagement to establish a higher obligation than the specific organs of government. This was reminiscent of the design behind the *Agreement of the People*, in which, 'the people', or 'the security of the people', or 'the People's liberties', were owed the highest loyalty. Lilburne was not therefore swearing allegiance to the Council of State, the Army Council or to Parliament,

43. A Declaration from the Northern Counties to the Kingdom of England, Th.19 Feb., 1648(9), p.3

because the Members of the 3. said Counsellis take it as well as any others, and therefore it is not abstract to themselves that they take the Engagement to be true to; for it is incongruous in reason, for a man to take an Engagement to be true to himself, because it is inherent in him.⁴⁴

The anonymous author of *Conscience Puzzel'd* used a similar argument. The General, Speaker, House of Commons, Lord President, Council of State and Council of War had all taken the oath, he claimed, and one could not take an oath to oneself - the King never had.⁴⁵ The other Leveller leaders also took the Engagement, but for less ideological reasons:

Mr Walwyn, Mr Prince, and Mr Overton, must either lie in Prison till they were starved, or take the new *Engagement*; and of the two *Evils* they choose the less; and have set their *Hands* to the new *Engagement*, which they promise to keep as faithfully as *Bradshaw, Vain, or Prideaux* have done the *Covenant*.⁴⁶

There was still an ideological gulf between the Levellers and the likes of William Prynne!

There were also those amongst the new accommodationists who recognised the irreconcilability of the Covenant and the Engagement, but were nevertheless prepared to owe obedience to the Commonwealth. They were not, however, prepared to compromise

44. John Lilburne, The Engagement Vindicated and Explained or the Reasons upon which Lieut.Col. John Lilburne tooke the Engagement, 22 Jan., 1649(50). Wallace has categorised this as an anti-Engagement pamphlet, perhaps misreading Thomason's hand on the top of the first page that Lilburne 'took' the Engagement. It could be mistaken for 'broke' the Engagement. The pamphlet was published by a 'well-wisher to the present authority'. p.5

45. Conscience Puzzel'd about Subscribing the New Engagement, Th. 20 Dec., 1649

46. Truths Victory over Tyranny, Th. 16 Nov., 1649, E579(12) n.p.

their consciences by taking the new oath. Let, *The Humble Proposals of Sundry Learned and Pious Divines*⁴⁷, stand as representative of this group. They accepted the need for government in human society in order to prevent the outrages of the wicked. They cited four reasons why they could not take the Engagement. Subscription would imply, "full and free" acceptance of the present powers. Secondly, the government had accepted the people as the fount of all authority, and must therefore respect their decision not to subscribe. Thirdly, the Engagement implied that they must promote whichever government had the, "possible advantage of power", including that which succeeded the present one. Finally, if they were to take the oath, those who could not grasp the complexities of the matter would accuse them of covenant-breaking, and the ministry would lose its authority. Nevertheless, they claimed they were law-abiding citizens and did not deserve to be numbered among the infamous until they had wilfully violated the laws and thereby lost the benefit of them.

The signatories of the Engagement who have received the closest attention are the so called *de factoists*⁴⁸, a term which indicated that they were prepared to support any government provided that it acted according to the law. The justification

47. The Humble Proposals of Sundry Learned and Pious Divines, Th. 19 Dec., 1649, E585(6)

48. As well as Wallace's article op.cit, see also, Q. Skinner, "Conquest and Consent: Thomas Hobbes and the Engagement Controversy", in G. E. Aylmer, The Interregnum: The Quest for a Settlement, pp. 79-98, and Glenn Burgess, "Usurpation, Obligation and Obedience in the Thought of the Engagement Controversy", Historical Journal 29.3, 1986, pp. 515-536

of their position was two-fold. It was in the nature of man to live within society and therefore some form of government was necessary for his regulation. Secondly, though no specific form was designated, the desire for government was sanctioned by God's Providence. It was therefore not for humble man to question or challenge the form of government, and provided they acted within the law, all rulers were entitled to loyalty. Some of these arguments had been picked up by the previous group of ministers, but the difference between the former group who were obedient to the *de facto* government and the group usually referred to as the *de factoists* was that the latter chose to subscribe to the Engagement. The *de factoists* were mainly drawn from lay-Presbyterians, but it also included some Royalists and even Bishop Sanderson.⁴⁹

There were therefore five separate groups expressing an opinion on the nature of loyalty to the Commonwealth government. There were those who supported the Commonwealth because it was a republic. Conversely, there were those such as Prynne and the Cavaliers who opposed it because it was a republic. There were those who were prepared to owe tacit obedience to the new regime but would not make any declaration of support, usually because this conflicted with previous oaths they had taken. The Levellers, and presumably many others, were quite prepared to take any oath of loyalty to the Commonwealth since they had no

49. (Sanderson), A Resolution of Conscience, op.cit.

compunction about breaking it. Finally there were the *de factoists*. However, despite the seeming variety of views about the Commonwealth, these positions - with the exception of the unrepentant Royalists - all relied on a combination of those ideas which had been used to attack monarchy or to justify the Commonwealth. The non-republicans merely approached the questions from a different angle. The way in which apparently opposed groups sprang from similar intellectual roots helps to explain why the Commonwealth was able to maintain its stable, if unpopular and ponderous, administration.

Republicans and *de factoists* often held a shared belief in the legitimacy of conquest. Henry Marten and Thomas Challoner had argued during the crisis with the Scots in 1647, that conquest was a far easier way to a lasting peace than the attempt to negotiate with a duplicitous and tyrannous king. Marten, who was not known for his adherence to Christian doctrine, seldom used providence. However, more moderate Army grandees such as Cromwell and Ireton, whom we have categorised as regicides, eventually supported Charles' trial and execution because the victories of the New Model provided evidence which was too clear to gainsay, for example, Cromwell's reluctance to judge Charles, except in the face of repeated military victory.⁵⁰

50, Lawrans to Nicholas, 8 Jan., 1649, Clarendon State Papers, ii, App.L., quoted from Abbott, Writings and Speeches i. p.719

Cromwell also highlighted the point of divergence between the supporters of the 1649 settlement, both republican and regicide, and those who later supported the *de facto* Commonwealth. The former believed that it was the justness of the cause which attracted God's providential blessing, though some came earlier to this conclusion than others. *De factoists* however, believed that God would support the most unjust of governments, and though his reasons were unknowable they were nonetheless ultimately directed towards good. Tyrannous governments were usually blamed on the sinfulness of the people. The fact that a regime possessed power, therefore, was sufficient evidence of godly sanction. As Cromwell distinguished them,

Whether this Army be not a lawful power, called by God to oppose and fight against the King upon some stated grounds; and being in power to such ends, may not oppose one name of authority, for those ends, as well as another, the outward authority that called them, not by their power making the quarrel lawful, but it being so in itself.⁵¹

This situation became more complicated throughout 1650, when it became clear that the Commonwealth government had not only gained power over the king through military conquest, but could provide firm government at home and a show of strength abroad. On 2 January, 1650, 'F.G.', wrote to his friend, William Heveningham, who had attended some sessions of the High Court

51. Ibid. p.697. To Robert Hammond, 25 Nov., 1648. My italics.

and was a member of the Council of State. Heveningham, having taken the Council's Engagement, was agonising over the decision whether to take the Engagement for MPs, and judging by the date of the letter, was equivocating. However, F.G. counselled that, "it is most Just & True to be ffaythfull to the Government that Gives protection".⁵² Similarly, T.B. published, *The Engagement Vindicated* probably in early January, 1650, in which he declared that their Irish campaign would improve the reputation of the government and that the Army, though they necessitated high taxes, kept the country at peace and prevented the "hydra of confusion".⁵³ Among the reasons given by Robert Spry for support for the governors was their, "valour and bounty fit for a Soldier"⁵⁴. A recent study of Algernon Sidney⁵⁵ has shown that Sidney's early doubts about the Commonwealth were assuaged by their victories at Dunbar and Worcester and the conquest of Ireland. In other words, there was a returning status given to military prowess. The Commonwealth government had restored the heroic image of English rule which Charles had damaged. Unfortunately for the republican members of the government, the puissance of the administration and the system it represented was superseded by a hero-worship of Cromwell.

52. Heveningham Papers, Holkham MSS 684, "A Letter written by a ffrend to W Heveningham Esq 2 of January 1649", signed F.G.

53. T.B. *The Engagement Vindicated from all the Obiections, Cavils, Scruples, that Wilfull Opposers, or doubtful, unresolved Judgements may cast upon it*, Th. 7 Jan., 1649(50), E589(3), pp.10-11

54. Robert Spry, *Council of States-Policy or the Rule of Government set forth* (Plymouth) 30 Oct., 1649, Th. 20 Jan., 1649(50), E1354(1), p.19

55. Scott, unpub. Ph.D. Cantab 1986, op.cit.

There were also echoes of the republican argument that monarchy was an irrelevance to the fundamental constitution. Republicans had argued that once the monarchy had been divested of its power, the state continued to function with as much efficiency and more godliness. Monarchy was therefore merely a ceremonial form which distracted people from the true aims of the government and provided a dangerous focus for idolatry. These were traps which republicans had sought to avoid. They had protested at the ceremonial attached to the High Court of Justice, and Bradshaw had objected to the title of Lord President.⁵⁶ They were more successful, initially at least, in establishing a rotating Chair of the Council of State. The Engagement had also set up a paramount, abstract form, the 'people's liberties', rather than resurrecting single-person iconolatry.

The two arguments used during the Engagement controversy which employed this theme were contradictory, and as usual, employed by the same pamphleteers within the same pamphlets. The first maintained that although the form of the government was immaterial, basic loyalty to government itself was immutable. The basic concept of loyalty enshrined in the Covenant, therefore remained. The second argument held that once the immediate object of loyalty was removed, all obligation was ended. Therefore, though the Covenant was valid during the King's lifetime, it ceased to command obedience once the King

56, Howell, State Trials iv, 1058

had been executed. *The Grand Case of Conscience concerning the Engagement Stated and Resolved*, was possibly by John Milton. It is a good example of the two contradictory arguments used together. First, the author claimed that the aim of these declarations of loyalty was, "humane affairs", and therefore changeable⁵⁷. The King's name was accidental to the Covenant and therefore, most "critical casuists" accepted that if a thing changed its character, loyalty to it became null and void⁵⁸. However, having accepted that the obligation behind the Covenant was invalidated once its object had been removed, the author argued that the Covenant itself remained valid:

we have not broken at all the Covenant, nor changed it in any special condition of it, but only blotted out an unnecessary and destructive name, and inserted a more direct medium, for the preserving of the Covenant...⁵⁹

Both arguments maintained that the act of loyalty to a government outweighed the specific object of that loyalty. Where they differed was in the degree to which the Covenant tied loyalty to a specific governmental form.

Similar concerns were behind the next pro-Engagement theme. If it was accepted that the form of government was incidental, the degree to which one's conscience was compromised could be minimised by accepting that the Engagement did not dictate to the inner self. The author of *The Grand Case of Conscience* had

57, (John Milton?), *The Grand Case of Conscience Concerning the Engagement Stated and Resolved*, 9 Jan., 1649(50), p.10. The dubious attribution was by Wood,
58, Ibid, p.11 and p.20
59, Ibid, p.21

maintained that there was no oath more binding than a covenant because God was party to it.⁶⁰ However, the Engagement was, "short, and plain without ambiguity"⁶¹ the point was also made in F.G.'s letter to Heveningham. The Covenant was, "a Long and Dubious papoir". The Engagement, on the other hand called only for subscribers to be, "civelly ffaythfull", it called only for fidelity, "and engageth not with Long Captious Amptibibulogious expressions"⁶². These *de factoist* supporters of the government acquiesced in the republicans' contention that past oaths had attempted to influence the consciences of the people. The Engagement was accepted as a secular declaration which was framed in such simple language that it could not possibly mislead its subscribers.

Finally, the non-republican subscribers of the Engagement also made use of the distinction between the person of the king and the office of kingship. In part, this overlapped with previous debates on the irrelevance of governmental form. It was not the specific people holding the office who were important, but the office itself. Many upheld the belief that the authority of office had passed to the Commonwealth on the death of the King. Another friend who wrote to Heveningham at the end of 1648 claimed that, "the Staffe is ffallen ffrom the King to the Parliment & ffrom them to the army"⁶³. John Dury, referring to

60. Ibid. p.3

61. Ibid. p.21

62. Heveningham Papers, Holkham MSS 684

63. As above

another supposedly binding oath, the Oath of Allegiance, claimed it did not bind, "to the King & his Heirs, as they were men, to be true and faithful to their personal wils, but only to them & their wils as they had a Legall standing".⁶⁴ The anti-Engagement tract, *The Second Part of a Religious Demurrer*, which claimed, in traditional Royalist language, that, "the King's Person in England never dies, saies the Law"⁶⁵, was countered by another anonymous author, this time in favour of taking the Engagement. This author replied,

But to say that the Kings person cannot dye is a matter of Mirth, or if you will of Nonsense; especially to be put into this Oath; for it amounts to this, that I sweare to preserve the Kings person which needs no preservation, because it cannot dye...⁶⁶

Once again, since the Covenant had sworn to uphold the *person* of Charles Stuart, rather than the office of monarchy, the *de facto* situation in which Charles had already been executed, freed people from the obligations of the Covenant.

Republican critiques were therefore adopted by non-republicans during the early 1650s to justify their support for the Commonwealth regime. The justification of parliamentary conquest over Charles, became the validity of submitting to the conquerors as the vehicle for the will of God. This gradually developed into a regard for the government's military command

64. J[ohn] D[ury], Considerations Concerning the Present Engagement whether it may be lawfully entred into: Yea or No?, Th. 27 Nov., 1649, p. 2

65. The Second Part of a Religious Demurrer, Th. 6 June, 1649, E530(31)

66. A Combate between two Seconds, Th. 2 July, 1649, E563(13)

and a recognition that the Commonwealth's military strength could generate stability, prosperity and foreign prestige. The argument that Charles' power was incidental and therefore irrelevant, was adopted by *de factoists* who chose to take it to mean that *all* governmental forms were irrelevant to the fundamental constitution - all states were mutable.

The moral argument that Charles had attempted to sway the consciences of his people was accepted to the degree that the Engagement deliberately avoided any religious component and could therefore be taken as a purely civil declaration of man's commitment to live in society with his neighbour.

Finally, the Engagers adopted the regicidal distinction between the person and the office of the ruler. This was a central plank of regicidal thought, since the regicides maintained that attacks on the person of Charles Stuart, a bad king, did not necessarily imply criticism of his office. To a degree, this accounts for the numbers of regicides, as well as *de factoists*, who had no difficulty in accepting single-person rule under Cromwell, whilst republicans saw this as a return to monarchy under another name. Cromwell fulfilled the role of powerful leader in ways in which Charles had failed to do, and to an extent, remedied those defects which had made Charles a bad ruler. R. Fletcher, in *Radius Heliconicus: The resolution of a Free State*, praised Cromwell's valour in a long verse eulogy: "Caesar and Cromwell: why, 'tis all but C...Crown'd with the

spoils of the worlds roaltie: And all the neighb'ring Continents
implore/To be imbrac'd under the British lore".⁶⁷

The traditional pro- and anti-republican arguments continued whilst this new accommodation was taking place. The difference was that they were no longer being peddled as 'official' government propaganda. A Royalist author of, *A Copie of a Letter Against the Engagement*, claimed that by taking the Engagement, "I am as very a Common-wealths man by it, if I take it as Mr. Martin, or the greatest Republican of them all"⁶⁸. On the other side, John March of Gray's Inn was writing as late as May 1651 of the, "sweet Harmony of Justice, Honour, and integrity", and the, "noble, and truely generous publick spirit" of the Council of State. They had erected, "one rule in Law, that the publick good and wel-fare is to be preferred before the private"⁶⁹. In February 1652, Francis Osborne wrote,

The Norman Conquest, hitherto the fairest flower
in the Crowne of our Kings, and this of the Armie's,
were cut out with the same Iron, by the hand and
direction of a like Providence: The difference is,
he was a Stranger, these Natives; He established a
Monarchy, whose nature is to decline into Tyranny,
These a Government stiled by all Politicians, Free.⁷⁰

Osborne dedicated his pamphlet to Cromwell, and seemed to be warning him against changing the present government at a time

67, R. Fletcher, *Radius Heliconicus: The Resolution of a Free State*, Th. 28 Feb., 1650, 669, f. 15(84)

68, *A Copie of a Letter against the Engagement. As it was sent to a Minister*, according to Thomason's note, printed in London, Th. 1 Feb., 1650(1), E622(13), p. 9

69, John March, *Amicus Republicae. The Commonwealths Friend*, Th. 19 May 1651, E1360(1), Epistle to the Reader.

70, (Francis Osborne), *A Perswasive to a Mutual Compliance*, Th. 18 Feb., 1651(2), p. 4

when the Army was applying increasing pressure for a new representative.

These traditional debates were still active in the presses, but the government had come to rely on the services of the *de factoist* theorists. However, this was only a partial failure on the part of the Commonwealth government. They had certainly been forced to abandon the hope that the majority of the people would recognise the godliness of their cause. There had not been widespread acceptance of republican theory. The government may have decided not to publish a declaration explaining the Engagement of 2 January, 1650, but they noted the services of 'Mr Dureus'. This was John Dury, the chief populariser of *de factoist* theory who was doing a far more effective job than the Commonwealth in eliciting subscriptions from otherwise hostile conservatives. The regime never achieved universal subscription: the majority of the people did not understand the need for an oath, and would not take it. It did not affect the people's every day lives and the government did not have the means or the will to enforce subscription. Besides, while the country was at peace, forced subscriptions would only have whipped up resentment. However, there is evidence that the government was surprisingly successful in winning over the leaders of moderate opinion. Moderates and *de factoists* were able to recognise within republican theory, arguments with which they could partially agree. By emphasising their common intellectual roots they were able to foster tacit obedience to the Commonwealth

which brought nearly five years of stable government. When the Commonwealthmen fell, it was not by the Royalists' hand, but by Cromwell and their own army.

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Th.30 Jan.,1648(9). William Ball, The Power of Kings Discussed. London 1649. (Probably written before the trial of the King and certainly before the execution). E340(21)

Th.5 Feb.,1648(9). A True Narration of the Title, Government, and Cause of the Death of the Late Charls Stuart King of England. Published by Authority. London 1649. E341(14)

Th.5 Feb.,1648(9). John Warr, The Priviledges of the People. London 1649. E341(12)

5 Feb.,1648(9). "Six Propositions of Undoubted Verity". (In MS by Thomason). E341(13)

5 Feb.,1648(9). A Shrill Cry in the Eares of Cavaliers, Apostates, and Presbyters. London 1649. E341(10)

Th.6 Feb., 1648(9). The Representative of Divers Well-Affected Persons in and about the City of London. London 1649. E341(16)

Th.7 Feb.,1648(9). R(ober) Bacon, The Labyrinth the Kingdom's In. London 1649. E541(26)

Th.7 Feb.,1648(9). William Cockayne, The Foundations of Freedom Vindicated. See 10,Dec.,1648 above. London 1649. E541(25)

8 Feb.,1648(9). A Declaration and Protestation of the Peers, Lords, and Barons of this Realme, against the late Treasonable Proceedings. London 1649. 669.f.13(86)

9 Feb.,1648(9). Six Serious Quaeries Concerning the Kings Triall. London 1649. 669.f.13(87)

Th.9 Feb.,1648(9). John Cooke, King Charls his Case. London 1649. E542(3)

Th.10 Feb.,1648(9). Joseph Salmon, A Rout, A Rout. London 1649. E342(5)

13 Feb.,1649. A Publike Declaration and Protestation of the Secured and Secluded Members of the House of Commons. London 1649. 669.f.13 (90)

Th.13 Feb.,1648 (9). 'A Minister of the Gospel, London', Κολλσεϊον, or Eye Salve to Annoint the Eyes of the Ministers of the Province of London. London 1649. E342 (16)

14 Feb.,1648 (9). Nehemiah Reinoldson, A Declaration from the Northern Associated Counties to the Kingdom of England. London 1649. E544 (6)

Th.16 Feb.,1648 (9). John Canne, The Golden Rule or Justice Advanced. London 1649. E543 (6)

Th.19 Feb.,1648 (9). Certain Quaeres Humbly Presented in Way of Petition. From Norwich and Norfolk. London 1649. E544 (5)

21 Feb.,1648 (9). Francisus Leinsula, The Kingdomes Divisions Anatomized(sic). (Th.1 March). London 1649. E345 (25)

22 Feb.,1648 (9). The Humble Representation of the Committee, Gentry, Ministry, and other Well Affected Persons in the County of Leicester. (Imprimeur, 23 Feb). London 1649. Th.19 March 1649, E345 (22)

20-27 Feb.,1648 (9). The Kingdomes Weekly Intelligencer. London 1649. E545 (13)

Th.26 Feb.,1648 (9). The Execution of the Late King Justified and the Parliament and Army therein Vindicated. London 1649. E345 (7)

Th.27 Feb.,1648 (9). J(ohn) Fidoe, W(illiam) Shaw, T(homas) Jeanes, The Parliament Justified in their late Proceedings against Charles Stuart. London 1649. E545 (14)

3 March 1648 (9). The Petition of the General Council of Officers. London 1649. E545 (20)

Th.6 March 1648 (9). An Holy Defiance to the Gates of Hell. London 1649. E546 (5)

12 March 1648 (9), written 20 Feb. The Resolver Continued, or Satisfaction to some Scruples about the putting of the late King to Death. London 1649. E346 (17)

19 March 1648 (9). To the Supreme Authority the Commons of England. Petition from the well affected in Leicestershire. London 1649. 669.f.14 (6)

Th.19 March 1648 (9). Capt. William Bray, To the Right Honourable, the Supreme Authority...an Appeal in the Humble Name of Justice against Tho. Lord Fairfax. London 1649. E346 (30)

Th.20 March 1648 (9). Major Francis White, The Copies of Severall Letters Contrary to the Opinions of the Present Powers. London 1649. E348 (6)

Th.20 March 1648 (9). The Sense of the Covenant According to the Minde of God. London 1649. E348 (1)

Th.21 March 1648 (9). Robert Ward, Thomas Watson, Simon Graunt, George Jellis, William Sawyer, The Hunting of the Foxes from New-Market and Triploe-Heaths to Whitehall. London 1649. E348 (7)

Th.22 March 1648 (9). A Declaration of the Parliament of England. London 1649. E548 (12)

28 March 1649. John Lilburne, Thomas Prince, Richard Overton, The Picture of the Councel of State. London 1649. (Th.11 April). E550 (14)

2 April 1649. The Triall and Examination of the Lord Major of London on Monday Last. London 1649. E549 (4)

Th.2 April 1649. John Naylor, Richard Ellergood, John Marshall, The Foxes Craft Discovered. London 1649. E549 (7)

2 April 1649. The Vindication of Abraham Reinaldson, late Lord Major of London. (Th.9 April). London 1649. E550 (9)

2 April 1649. "A Distik made upon the ffower Hon^{ble} Lords yt usualy Sate & made a Howse in the Yeare 1648." Written in MS by Thomason. E549 (5)

Th.2 April 1649. Articles of Treason and High Misdimeanours (sic), Committed by John Pine of Curry-Mallet, in the County of Somerset Esquire. n.p.n.d. 669.f.14 (15)

3 April 1649. Col.Robert Bennett, King Charle's Triall Justified. Published by Authority. (Th.9 May). London 1649. E554 (21)

14 April 1649. A Manifestation from Lieutenant Col. John Lilburne, Mr William Walwyn, Mr Thomas Prince, and Mr Richard Overton. (Th.16 April). London 1649. E550 (25)

16 April 1649. The Speech of Philip Herbert, Late Earl of Pembroke. (One of many satires on the Earl being elected to the Commons). (Th.20 April). London 1649. E551 (6)

21 April 1649. John Canne, The Snare is Broken. Published by Authority. (Th.1 May) London 1649. E552(22)

23 April 1649. (William) Everard, The Declaration and Standard of the Levellers of England. London 1649. E551(11)

24 April 1649. The Manner of the Election of Philip Herbert. (satire) n.p.1649. E551(16)

25 April 1649. MS in Thomason's hand, "Scattered about ye Streets ye 25 Aprill 1649". E551(21) A protest about pay, disbandment and Irish service by soldiers of the New Model.

31 April 1649. A True Narrative of the late Mutiny made by Several Troopers of Captain Savage's Troop in Col Whaley's Regiment. (Imprimeur Henry Whalley, Advocate, 1 May). London 1649. E552(18)

April 1649. An Act for Setting Apart a day of Solemn Fasting and Humiliation, and repealing the monthly Fast. (Set for May 3 and 17). Broadsheet n.d. 669.f.14(21)

1 May 1649. The Resolutions of the Private Souldiery of Col.Scroops Regiment of Horse. (Th.5 May) Signed in Salisbury. Broadsheet n.d. 669.f.14(28)

Th.4 May 1649. Lieut-Col. John Jubbes, An Apology unto the Honorable and Other the Honored and Worthy Officers of his Excellencies the Lord Generals Army. London 1649. E552(28)

6 May 1649. William Thompson, Englands Standard Advanced. n.p.1649. E553(2)

Th.10 May 1649. A Declaration of the Wel-Affected in the County of Buckinghamshire. n.p.1649. E555(1)

11 May 1649. The Unanimous Declaration of Colonel Scroope's and Commissary Gen.Ireton's Regiment; at a Rendezvous at Old Sarum. n.p.1649. E555(4)

Th.11 May 1649. The first Part of the Last Wil & Testament of Philip Earl of Pembroke. (satire) n.p.1649. E555(5)

11 May 1649. J.Philolaus, A Serious Aviso to the Good People of this Nation concerning that Sort of Man called Levellers. (Th.18 May). London 1649. E555(28)

12 May 1649. The Declaration of Lietenant-Generall Crumwel concerning the Levellers. (Imprinted 14 May) London 1649. E555(12)

14 May 1649. The Declaration and Unanimous Resolution of Colonel Whaley, and all the Officers and Souldiers of his Regiment. (Th.19 May). London 1649. E555 (31)

17 May 1649. Elizabeth Poole, An Alarum of War, given to the Army. London 1649. E555 (23+24)

17 May 1649. The Declaration of the Levellers concerning Prince Charles. London 1649. E555 (26)

Th.18 May 1649. The Soldiers Demand. Bristol 1649. E555 (29)

Th.23 May 1649. The Case is Altered. (satire) n.p.1649. E556 (9)

Th.24 May 1649. Henry Denne, The Levellers Designe Discovered. (A confession by one of the Army mutineers). London 1649. E556 (11)

Th.28 May 1649. H.B.Med., The Charity of Churchmen or, A Vindication of Mr William Walwyn. (A reply to William Kiffin's "Walwyn's Wiles"). London 1649. E556 (20)

Th.29 May 1649. 'By a Dissenting Brother', An Enquiry after Further Satisfaction Concerning Obeying a change of Government beleev'd to be Unlawfull. London 1649. E556 (24)

Th.30 May 1649. John Goodwin, The Obstructours of Justice. London 1649. E557 (2)

Th.2 June 1649. The Discoverer...the First Part. (Condemning the Leveller leadership) Published by Authority. London 1649. E558 (2)

Th.5 June 1649. The Monument of Charles the First. (in verse) n.p.n.d. 669.f.14 (36)

Th.6 June 1649. The Second Part of the Religious Demurrer. (MS Thomason, "against Mr Rous", "printed by Tho.Underhill) n.p.(London) n.d. E530 (31)

7 June 1649. Hosanna: or, A Song of Thanksgiving. (A Satire, said to be sermons by Atkins, Pennington and Peter). n.p.1649. E559 (11)

Th.20 June 1649. Thomas Prince, The Silken Independents Snare Broken. A reply to "Walwyn's Wiles". London 1649. E560 (24)

Th.22 June 1649. The Grand Case of Conscience Stated. n.p.n.d. E530 (45)

26 June 1649. John Lilburne, An Impeachment of High Treason against Oliver Cromwel and his Son in Law Henry Ireton. (Th.10 Aug) London 1649. E568 (20)

Th.28 June, 1649. Albertus Warren, The Royalist Reform'd or Considerations of Advice, to Gentlemen, Divines, Lawyers. London 1650. 669.f.14(47)

Th.29 June 1649. Capt. William Bray, Heaven and Earth, Spirit and Blood, Demanding Reall Commonwealth Justice. London 1649. E662(9)

29 June 1649. A True and Perfect Relation of the Tryall, Condemning, and Executing of the 24. Prisoners, who suffered for Severall Robberies and Burglaries at Tyburn. London 1649. E662(24)

Th.2 July 1649. A Combate Between two Seconds. London 1649. E562(16)

10 July 1649. The Humble Petition of the Officers now Engaged for Ireland. (Ordered to be printed by Parliament). London 1649. E563(13)

Th.13 July 1649. The Discoverer, being an Answer to a Book entituled, Englands New Chain, the second part, Discovered. The second part. London 1649. E564(9)

Th.16 July 1649. The Second Part of the Tragi-Comedy Called New-Market Fayre or Mrs Parliaments new Figaryes. (satire) n.p.1649. E565(6)

Th.23 July 1649. Enoch Grey, Vox Coeli containing the Maxims of Pious Policy. London 1649. E565(20)

Th.25 July 1649. The Same Hand Again against the present Council of State's bad Friends. London 1649. E565(27)

30 July 1649. Cromwell's Recall: or the Petition of the zealous Fraternity. (satire) (Th.1 Aug). London 1649. E566(22)

2 Aug.,1649. John Canne, The Improvement of Mercy. (Th.23 Aug) London 1649. E571(20)

Th.7 Aug.,1649. A New Bull-Bayting: or a Match Play'd at the Town-Bull of Ely by twelve mungrels. (satire) n.p.1649. E568(6)

Th.9 Aug.,1649. A Remonstrance to the People. (A Royalist pamphlet designed to show that the Agreement of the People was a trick by the Rump) London 1649. E568(18)

Th.14 Aug.,1649. Tyraniocrit Discovered with his Wiles, wherewith he Vanquisheth. Rotterdam 1649. E569(5)

16 Aug.,1649. The Petition of his Excellency Thomas Lord Fairfax. (Against profanity, swearing etc.) London 1649. E569(22)

Th.21 Aug.,1649. J(ohn) C(leveland), The Character of a Country Committee-Man, with the Eare-Marke of a Sequestrator. London 1649. E571(5)

Th.22 Aug.,1649. (James Frese), Why Not? Eight Queries, made to the Parliament. n.p.n.d. Broadsheet. 669.f.14(67)

Th.27 Aug.,1649. The Speech of Philip Herbert. (satire) London 1649. E571(25)

Th.27 Aug.,1649. Francis Rous, The Bounds and Bonds of Publique Obedience. London 1649. E571(26)

Th.28 Aug.,1649. A Letter. To Fairfax from Bray. n.p.n.d. E571(32)

29 Aug.,1649. George Wither, Carmen Eucharisticon: A Private Thank-Oblation. (Verses in thanksgiving for the Irish victories of Lieut-Col.Michael Jones) (Th.30 Aug) London 1649. E572(6)

29 Aug.,1649. Charles Collins, Anthony Bristlebolt, William Trabret, Stephen Smith, Edward Waldgrave, Thomas Frisby, Edward Stanley, William White, Nicholas Blowd, An Outcry of the Youngmen and Apprentices of London. (Th.1 Sep) n.p.1649. E572(13)

Th.1 Sep.,1649. Fire from Heaven, Falling upon the Present Army and Churches. London 1649. E572(12)

8 Sep.,1649. James Freize, (Frese), The Levellers Vindication or, A Tragical Story. (Th.11 Sep) London 1649. E573(8)

Th.12 Sep.,1649. Monarchia Transformata in Respublicam Deformatam. n.p.n.d. Broadsheet. 669.f.14(75)

Th.21 Sep.,1649. The Remonstrance of Many Thousands of the Free-People of England. London 1649. E574(15)

27 Sep.,1649. A Declaration of the Parliament of England. London 1649. E575(9)

Th.2 Oct.,1649. A Serious Epistle to Mr William Prynne. London 1649. E575(4)

Th.6 Oct.,1649. John Milton, Eikonoklasm̄, in Answer to a Book Intitl'd Eikon Basilikh. Published by Authority. London 1649. E578(5)

11 Oct.,1649. Resolves of Parliament touching the Subscribing to an Engagement. London 1649. 669.f.14(82)

- Th.24 Oct.,1649. (Henry Robinson?), A Short Discourse between Monarchical and Aristocratical Government. London 1649. E575 (31)
- 29 Oct.,1649. The Declaration and Engagement of the Officers and Souldiers of Col.Ingoltsbies Regiment for the present Government. (Th.30 Oct) London 1649. E576 (3)
- 30 Oct.,1649. Robert Spry, Councel of States-Policy or the Rule of Government set Forth. (Th.20 Jan.,1650) London n.d. E1354 (1)
- 8 Nov.,1649. Truths Victory over Tyrants and Tyranny. (Lilburne's release from jail) (Th.16 Nov). n.p.1649. E579 (12)
- Th.11 Nov.,1649. Be it Knowne and Declared to all the World. The names of those ministers who had signed the Engagement. n.p.n.d. E579 (6)
- 18 Nov.,1649. John Cardell, Morbus Epidemicus: or, the Danger of Self Seeking. London 1649. E589 (19)
- Th.19 Nov.,1649. Tyrants Triumphant: or the High Court of State. London 1649. E589 (19)
- Th.26 Nov.,1649, Albertus Warren, The Royalist Reform'd or Considerations of Advice, to Gentlemen, Divines, Lawyers. London 1650. E582 (4)
- 27 Nov.,1649. J(ohn) D(ury), Considerations concerning the present Engagement. London 1649. E584 (12)
- 1 Dec.,1649. (Robert Sanderson), A Resolution of Conscience. A reply to Ascham. London 1649. E584 (8)
- 19 Dec.,1649. The Humble Proposals of Sundry Learned and Pious Divines. London 1649. E585 (6)
- Th.20 Dec.,1649. Conscience Puzzel'd about Subscribing the New Engagement. London 1650. E585 (7)
- Th.22 Dec.,1649. (William Prynne), Summary Reasons against the New Oath and Engagement. n.p.1649. E585 (9)
- Th.1 Jan.,1649 (50). Gerrard Winstanley, A New-Yeers Gift for the Parliament and Armie shewing what the Kingly Power is. London 1650. E587 (6)
- 5 Jan.,1649 (50). John Cooke, A True Relation of Mr.Justice Cook's Passage by Sea. n.p.1650. E598 (1)

Th.7 Jan.,1649(50). T.B., The Engagement Vindicated. London 1650. E589(3)

7 Jan.,1649(50). John Dury, Just Re-Proposals to Humble Proposals. (Th.15 Jan) London 1650. E589(3)

Th.9 Jan.,1649(50). (John Milton?), The Grand Case of Conscience concerning the Engagement Stated and Resolved. London 1650. E589(10)

Th.9 Jan.,1649(50). A Reply to a Paper of Dr Sandersons. London 1650. E589(9)

23 Jan.,1649(50). John Lilburne, The Engagement Vindicated and Explained. Licensed according to Order. London 1650. E590(4)

26 Jan.,1649(50). A Logically Demonstration of the Lawfulness of Subscribing the New Engagement. (Th.30 Jan) London 1650. E590(11)

29 Jan.,1649(50). N.W., A Discourse Concerning the Engagement. London 1650. E590(8)

Th.30 Jan.,1649(50). (Henry Neville MP), Newes from the New Exchange or the Commonwealth of Ladies Drawn to the Life. London 1650. E590(10)

Th.4 Feb.,1649(50). A Declaration or Representation of the Actions, Intentions, and Resolutions of divers of the Inhabitants of the County of Hartford. London 1650. E592(2)

Th.14 Feb.,1649(50) (Richard Hollingsworth), A Vindication of the Oath of Allegiance in Answer to a Paper Disperst by Mr Sam: Eaton. n.p.1650. E593(6)

15 Feb.,1649(50). (Nathaniel Ward?), Discolliminium or a most Obedient Reply to a late Book, called Bounds and Bonds. (Th.23 April) London 1650. E598(17)

Th.15 Feb.,1649(50). Isaac Pennington the younger, A Word for the Commonwealth Tending towards the Begetting and Continuing, a Right Understanding. London 1650. E593(10)

25 Feb.,1649(50). Lewis de Moulin, The Power of the Christian Magistrate in Sacred Things (Th.28 March) London 1650. E1366(4)

Th.28 Feb.,1650. R.Fletcher, Radius Heliconicus: the Resolution of a Free State. Broadsheet n.d. 669.f.15(84)

1 March 1649 (50). Memorandums of Conferences held between the Brethren scrupled at the Engagement; and others who were Satisfied with it. London 1650.

Th.5 March 1650. The Government of the People of England Precedent and Present the Same. London 1650. E594 (19)

Th.23 April 1650. To the Honourable, the Commons Assembled in Parliament. Petition from the London Levellers. n.p.n.d. E598 (14)

Th.8 May 1650. Marchamont Nedham, The Case of the Commonwealth of England Stated. London n.d. E600 (7)

24 May 1650. John Dury, Two Treatises Concerning the Matter of the Engagement. London 1650. E615 (12)

Th.11 June 1650. (Edward Gee?), A Plea for Non-Subscribers. n.p.1650. E603 (1)

14 June 1650. The Remonstrance or Declaration of the Levellers in Scotland. Signed at St Johnstons. (Th.25 June) London 1650. E604 (2)

Th.9 Aug.,1650. Nicholas Cowling, A Survey of Tyrannie or the Anatomizing of Tyrants. London 1650. E609 (8)

Th.1 Oct.,1650. Sir A(nthony) W(eldon), The Court and Character of King James. (reprint) Published by Authority. London 1650. E1338 (1)

Th.14 Nov.,1650. Henry Robinson, Certain Considerations in Order to a more Speedy, Cheap, and Equall Distribution of Justice. London 1650. E616 (2)

Th.2 Dec.,1650. William Walwyn, Juries Justified: or, A Word of Correction to Mr Henry Robinson. "Published by Authority" (?) London 1650. E618 (9)

8 Dec.,1650. John Dury, Conscience Eased. (Th.25 Feb.,1651) London 1651. E625 (4)

Th.10 Dec.,1650. A Discourse Concerning the Affaires of Ireland. London 1650. E619 (7)

1 Jan.,1650 (1). Dr Thomas Bradley Comfort from the Cradle. Oxford 1651. E637 (1)

Th.17 Jan.,1650 (1). H(enry) Parker, Scotlands Holy War. London 1651. E622 (16)

Th.1 Feb.,1650 (1). A Cople of a Letter against the Engagement. (MS "London") 1651. E622 (13)

9 Feb.,1650(1). J(ohn) D(ury), A Second Parcel of Objections against the Taking of the Engagement Answered. (Th.21 Feb) London 1651.

Th.15 Feb.,1650(1). Englands Apology for its Late Change. London 1651. E623(12)

Th.19 Feb.,1650(1). Severall Proposals for the General Good of the Common-Wealth. London 1651. E624(7)

10 April 1651. Peter Chamberlain, Plus Ultra, to the Parliament of England. n.p.n.d. E632(12)

10 May 1651. Seth Wood, The Saints Entrance into Peace and Rest by Death. Funeral service for Sir William Armyne. Imprimatur Joseph Caryl 3 June. E632(8)

Th.15 May 1651. Isaac Pennington the younger, The Fundamentall Right, Safety and Liberty of the People. London 1651. E629(2)

Th.19 May 1651. John March, Amicus Reipublicae. The Commonwealths Friend. London 1651. E1360(1)

Th.17 June 1651. H(ugh) P(eter), Good Work for a Good Magistrate. London 1651. (By William Dugard, printer to the Council of State). E1364(2)

7 July 1651. Lieut-Col.Joyce, A Letter or Epistle to all Well-Minded People in England, Ireland, Wales, and Scotland. (Th.10 July) London 1651. E637(3)

Th.10 July 1651. Samuel Brown, To ζειφοΣ τRN MAPTYPQN. or A Brief Narration of the Mysteries of State carried on by the Spanish Faction. (The Hague?) 1651. E637(2)

15 July 1651. Lord Deputy Henry Ireton, Sad Newes from Ireland. (Th.Aug) London 1651. E638(13)

10 Sep.,1651. By the Parliament. A Proclamation for the Discovery and Apprehending of Charles Stuart. London 1651. Broadsheet. 669.f.16(21)

Th.15 Sep.,1651. Power and Government made forth by God in Scripture by a Rule of Righteousness. Published by Authority. London 1651. E641(13)

Th.15 Oct.,1651. A Model of a New Representative, now under Consideration. London 1651. E643(13)

27 Oct.,1651. K.Frese, D.Trinhale, E.Bassfield, E.Cole, The Womens Petition, to the Right Honorable, his Excellency, the most Noble

and Victorious Lord General Cromwell. (Th.30 Oct). Broadsheet.
669.f.16(26)

Th.2 Nov.,1651. Edmund Leach, A Short Supply or Amendment to the Propositions for the New Representative. London 1651. E644(9)

10 Nov.,1651. Various signatories including Hanserd Knollys, Thomas Brooks, William Kiffin, Thomas Harrison and Thomas Whaley, A Declaration of Divers Elders and Brethren of Congregationall Societies. London 1651. E644(7)

Th.14 Nov.,1651. A New Remonstrance of the Free-Born People of England. Published by Authority. London 1651. E645(13)

Th.14 Nov.,1651, Henry Robinson, Certain Considerations in order to a more Speedy, Cheap, and Equall Distribution of Justice, London 1651, E616(2)

Th.27 Jan.,1654(5), A Declaration of the members of Parliament, lately Dissolved by Oliver Cromwell, Esquire, 669.f.19(67)

Th.18 Feb.,1651(2). (Francis Osborne), A Perswasive to a Mutuall Compliance under the Present Government. Oxford 1652. E655(5)

Th.26 Feb.,1651(2). John Cooke, Monarchy No Creature of Gods Making. London and Waterford 1652. E1238(1)

Th.16 May 1653. (John Milton?, attribution Thomason), A Letter Written to a Gentleman in the Country, touching the Dissolution of the late Parliament. London 1653. E697(2)

Th.26 May 1654, John North et al. An Alarm to the Present Men in Power, the Officers of the Army and all Oppressors, 669.f.19(1)

Th.18 Oct.,1654, Thomas Saunders, John Okey and Matthew Alured, To his Highness the Lord Protector, &c. and our General the humble petition of Several Colonels of the Army 669.f.19(21)

Th.19 March 1656, A Copy of a Letter written to an Officer of the Army by a True Commonwealths-Man, and no Courtier, E870(5)

Th.22 Sep.,1656, The Unparalled Monarch, E1675(1)

Th.25 Sep.,1656, To The Honest Souldiers of the Garrison of Hull, 669.f.20(31)

Th.7 Oct.,1656, Signed by 98 excluded MPs, including Scot, Haselrig, Jones, Saunders, To All the Worthy Gentlemen who are duely Chosen for the Parliament which Intended to meet at Westminster the 17 of September 1656, and to all the Good People of the Commonwealth of England, E889(8)

Th.27 Oct.,1656. An Appeale from the Country. By an MP excluded from the Protectorate Parliament. n.p.1656. E891(3)

May 1657, Titus Silius (pseud.) (William Allen and Edward Sexby) Killing no Murder. Briefly Discussed in Three Questions. E501(4)

Th.27 April 1659. William Allen, A Faithful Memorial of that Remarkable Meeting of many Officers of the Army in England, at Windsor Castle, in the year 1648. London 1659. E979(3)

19 Oct.,1660. The Speeches and Prayers of some of the late Kings Judges viz Major General Harrison, Mr John Carew, Mr Justice Cooke, Mr Hugh Peters, Mr Tho. Scot, Mr Gregory Clement, Col Adrian Scroop, Col John Jones, Col Daniel Axtell & Col. Fran: Hacker. n.p.1660. (Catalogued as Oct.13) E1053(1)

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1649. William Potter, Truths Right-Side Turned Upwards. or The Armies Vindication. London 1649. (Available only at TCD, Wing 3037).

21 Sep.,1658. Edward Boteler, The worthy of Ephratah: Represented in a Sermon at the Funeral of the Right Honorable Edmund Earl of Mulgrave. London 1659. (Grimsby Central Library W423 252 ROT)

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Baldewyn, William, A Treatise of Morall Philosophie, containing the Sayings of the Wise London 1550.

" , A Myrrour for Magistrates London 1563.

Brooke, Sir Fulke Greville, Lord, The Remains of Sir Fulk Greville Lord Brooke London 1670, written 1633?

Carew, Thomas, and Jones, Inigo, Coelum Britannicum: A Maske at Whitehall in the banqueting House London 1651, written 1634.

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" , The Interpreter (Cambridge 1607).

Deodati, John, Pious Annotations upon the Holy Bible 2nd.ed. 1648 London.

Jackson, Arthur, Annotations upon the Whole Book of Isaiah London 1682.

Jaggard, John, The Two Most Worthy and Notable Histories. The Conspiracie of Cateline...and the Warre which Jugurth for many years maintained. C.C.Salustius. London 1608.

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Perkins, William, A Direction for the Government of the Tongue according to Gods Word Cambridge 1611.

" The Christian Doctrine. Translated into Irish by Godfrey Daniel. Dublin 1652.

Rushworth, John, Historical Collections 8 Vols. London 1682.

Sarpi, Fra. Paolo, The Opinion of Padre Paolo. London 1689.

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