

I. EXCERPTS OF CHARLES' DEFENCE AT TRIAL, JANUARY 20 – 27, 1649

A. "I would know by what power I am called hither ... I would know by what authority, I mean *lawful*; there are many unlawful authorities in the world; thieves and robbers by the high-ways ... Remember, I am your King, your *lawful* King, and what sins you bring upon your heads, and the judgement of God upon this land. Think well upon it, I say, think well upon it, before you go further from one sin to a greater ... I have a trust committed to me by God, by old and lawful descent, I will not betray it, to answer a new unlawful authority; therefore resolve me that, and you shall hear more of me.

B. I do stand more for the liberty of my people, than any here that come to be my pretended judges ... I do not come here as submitting to the Court. I will stand as much for the privilege of the House of Commons, rightly understood, as any man here whatsoever: I see no House of Lords here, that may constitute a Parliament ... Let me see a legal authority warranted by the Word of God, the Scriptures, or warranted by the constitutions of the Kingdom, and I will answer.

C. It is not a slight thing you are about. I am sworn to keep the peace, by that duty I owe to God and my country; and I will do it to the last breath of my body. And therefore ye shall do well to satisfy, first, God, and then the country, by what authority you do it. If you do it by an usurped authority, you cannot answer it; there is a God in Heaven, that will call you, and all that give you power, to account.

D. If it were only my own particular case, I would have satisfied myself with the protestation I made the last time I was here, against the legality of the Court, and that a King cannot be tried by any superior jurisdiction on earth: but it is not my case alone, it is the freedom and the liberty of the people of England; and do you pretend what you will, I stand more for their liberties. For if power without law, may make laws, may alter the fundamental laws of the Kingdom, I do not know what subject he is in England that can be sure of his life, or any thing that he calls his own.

E. I do not know the forms of law; I do know law and reason, though I am no lawyer professed: but I know as much law as any gentleman in England, and therefore, under favour, I do plead for the liberties of the people of England more than you do; and therefore if I should impose a belief upon any man without reasons given for it, it were unreasonable ... The Commons of England was never a Court of Judicature; I would know how they came to be so.

F. It was the liberty, freedom, and laws of the subject that ever I took – defended myself with arms. I never took up arms against the people, but for the laws ... For the charge, I value it not a rush. It is the liberty of the people of England that I stand for. For me to acknowledge a new Court that I never heard of before, I that am your King, that should be an example to all the people of England, for to uphold justice, to maintain the old laws, indeed I do not know how to do it.

G. This many-a-day all things have been taken away from me, but that that I call more dear to me than my life, which is my conscience, and my honour: and if I had a respect to my life

more than the peace of the Kingdom, and the liberty of the subject, certainly I should have made a particular defence for my self; for by that at leastwise I might have delayed an ugly sentence, which I believe will pass upon me ... Now, sir, I conceive that an hasty sentence once passed, may sooner be repented of than recalled: and truly, the self-same desire that I have for the peace of the Kingdom, and the liberty of the subject, more than my own particular ends, makes me now at least desire, before sentence be given, that I may be heard ... before the Lords and Commons ... If I cannot get this liberty, I do protest, that these fair shows of liberty and peace are pure shows and that you will not hear your King.

<http://www.royal.gov.uk/pdf/charlesi.pdf>

HIGH COURT OF JUSTICE PRESIDENT BRADSHAW'S STATEMENT TO CHARLES AT THE CONCLUSION OF THE TRIAL

'there is a contract and a bargain made between the King and his people, and your oath is taken: and certainly, Sir, the bond is reciprocal; for as you are the liege lord, so they liege subjects ... This we know now, the one tie, the one bond, is the bond of protection that is due from the sovereign; the other is the bond of subjection that is due from the subject. Sir, if this bond be once broken, farewell sovereignty! ... These things may not be denied,

Sir ... Whether you have been, as by your office you ought to be, a protector of England, or the destroyer of England, let all England judge, or all the world, that hath look'd upon it ... You disavow us as a Court; and therefore for you to address yourself to us, not acknowledging as a Court to judge of what you say, it is not to be permitted. And truth is, all along, from the first time you were pleased to disavow disown us, the Court needed not to have heard you one word.'" The Clerk to the Court concluded with the sentence 'this Court doth adjudge that he the said Charles Stuart, as a Tyrant, Traitor, Murderer

and Public Enemy to the good people of this Nation, shall be put to death, by the severing his head from his body'. Bradshaw refused to allow the King to speak in Court after sentence (as a prisoner condemned was already dead in law), and the King was led away still protesting. "I am not suffered to speak; expect what justice other people will have."

II. Milton begins *The Tenure of Kings and Magistrates* by paraphrasing the words of Sallust to describe the nature of tyranny:^[10]

A. Hence is it that Tyrants are not oft offended, nor stand much in doubt of bad men, as being all naturally servile; but in whom vertue and true worth most is eminent, them they feare in earnest, as by right thir Maisters, against them lies all thir hatred and suspicion. Consequentlie neither doe bad men hate Tyrants, but have been alwayes readiest with the falsifi'd names of *Loyalty*, and *Obedience*, to colour over thir base compliances.^[11]

Milton continues by discussing the nature of law, and the rule of law, and the private sphere:^[10]

B. And surely they that shall boast, as we doe, to be a free Nation, and not have in themselves the power to remove, or to abolish any governour supreme, or subordinat, with the government it self upon urgent causes, may please thir fancy with a ridiculous and painted

freedom, fit to coz'n babies; but are indeed under tyranny and servitude; as wanting that power, which is the root and source of all liberty, to dispose and œconomize in the Land which God hath giv'n them, as Maisters of Family in thir own house and free inheritance. Without which natural and essential power of a free Nation, though bearing high thir heads, they can in due esteem be thought no better than slaves and vassals born, in the tenure and occupation of another inheriting Lord. Whose government, though not illegal, or intolerable, hangs over them as a Lordly scourge, not as a free government; and therefore to be abrogated. How much more justly then may they fling off tyranny, or tyrants; who being once depos'd can be no more the privat men, as subject to the reach of Justice and arraignment as any other transgressors.^[12]

Milton calls on the people to support Parliament's actions and wisdom:^[2]

C. Another sort there is, who comming in the cours of these affaires, to have thir share in great actions, above the form of Law or Custom, at least to give thir voice and approbation, begin to swerve, and almost shiver at the Majesty and grandeur of som noble deed, as if they were newly enter'd into a great sin; disputing presidents, forms, and circumstances, when the Common-wealth nigh perishes for want of deeds in substance, don with just and faithfull expedition. To these I wish better instruction, and vertue equal to thir calling; the former of which, that is to say Instruction, I shall indeavour, as my dutie is, to bestow on them; and exhort them not to startle from the just and pious resolution of adhering with all thir strength & assistance to the present Parlament & Army, in the glorious way wherin Justice and Victory hath set them;^[13]

III. Thomas Hobbes *Leviathan* Book one Chapter XIII

A. "Hereby it is manifest that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man. For war consisteth not in battle only, or the act of fighting, but in a tract of time, wherein the will to contend by battle is sufficiently known and therefore the notion of time is to be considered in the nature of war, as it is in the nature of weather. For as the nature of foul weather lieth not in a shower or two of rain, but in an inclination thereto of many days together: so the nature of war consisteth not in actual fighting, but in the known disposition thereto during all the time there is no assurance to the contrary. All other time is peace."

Book 2 Chapter XVII

B. "The only way to erect such a common power as may be able to defend them from the invasion of foreigners and the injuries of one another, and thereby to secure them in such sort as that by their own industry, and by the fruits of the earth, they may nourish themselves and live contentedly, is to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will, which is as much as to say, to appoint one man or assembly of men to bear their person, and ever one to won and acknowledge himself to be the author of whatsoever he that so beareth their person shall act, or cause to be acted, in those things which concern the common peace and safety, and therein to submit their wills, every one to his will, and their judgments, to his judgment. . . And in him consisteth the essence of the commonwealth, which (to define it) is *one person, of whose acts a*

great multitude, by mutual covenants one with another, have made themselves very one the author, to the end he may use strength and means of them all, as he shall think expedient, for their peace and common defence."