

## THE LIES OF THE REGICIDES? CHARLES I'S JUDGES AT THE RESTORATION

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Those involved in the trial of Charles I, and who were still living in 1660, found themselves marked men. Vilified in public and in print, they faced choices about how to behave, and how to respond to the probability that they would be punished by the king or parliament. Some fled, and some of these lived out their days in relative safety, although others lived troubled lives, either because of the threat of violence or of capture, and some clearly lived in obscurity and sought to cover their tracks and assume new identities. Some were eventually caught, and three were brought back to England, tried, sentenced and executed. Others surrendered under the terms of a June 1660 proclamation, either in the hope of securing pardon or of mitigating their guilt, although it was always clear that their fate depended upon the attitude of MPs, who were given the power to determine who should be punished and who should be pardoned. As it turned out, MPs proved more vindictive than the king, resulting in the trial of twenty-nine men in October 1660, twenty-seven of whom pleaded guilty. There followed a bloody week of hangings, drawings and quarterings, when 'the stench of their burnt bowels had so putrefied the air as the inhabitants thereabouts petitioned His Majesty there might be no more executed in that place'.<sup>1</sup>

My aim here is to explore how some of those associated with the king's trial responded to the Restoration, not least because the fate of the regicides has received considerably less attention than that of Charles I, and because most attention has been paid to the attitude and grizzly fate of those radical and defiant king-killers who expressed little remorse.<sup>2</sup> And my purpose is to suggest that existing treatments of the regicides focus too heavily upon a small group of living and dead men, from Oliver Cromwell to Thomas Harrison. This reflects the drama of the regicides' trials and executions, as well as contemporary press coverage, but it does not reflect the story of the majority of those who were put on trial, who faced punishment, and who feared a bloody execution. It does not reflect, in other words, the stories of those whose cases were heard in the later stages of the trials; those who were not executed, those who were released, and those who were subjected to perpetual imprisonment. The interest in these men lies in the explanations which they gave for their activity in 1649. I will suggest that the *excuses* of the regicides have too easily been dismissed as the *lies* of the regicides and that they deserve much closer and more considered attention,

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not least in the light of recent scholarly interest in, and arguments about, the trial of Charles I. It is now possible to at least question the conventional narrative of the trial – that the king was put on trial by enthusiastic king-killers, and that execution was the inevitable outcome – and to develop a more nuanced picture of the motivations of those involved in 'England's black tribunal'.<sup>3</sup> In the light of such scholarship I want to suggest that it is worth testing the claims made by at least some of the regicides in 1660 – in print, in petitions and in court – and perhaps even of believing the explanations which they used in order to mitigate their guilt, not least on the basis of contemporary sources, such as the formal record of the High Court.<sup>4</sup>

### I

This process must begin with statements made before the trials of October 1660, and in the febrile political atmosphere surrounding the Restoration the process of identifying and vilifying the regicides involved rumours and allegations, fuelled by pamphlets, newspapers and broadsides, such that truth was hard to discern. This ensured that many former parliamentarians feared that their role in the events of January 1649 would be misrepresented, and that there began a process of setting the record straight, of giving explanations, and of making excuses, through petitions and printed pamphlets.<sup>5</sup>

Some came from men who had no known connection to the trial, such as John Thurloe, who felt compelled to write to the Speaker of the Commons in order to contradict rumours regarding his own past.<sup>6</sup> Others came from men who had been named to the court but who were not regicides. Nicholas Love, for example, had probably been fairly enthusiastic about some kind of trial, was involved in setting up and defending the High Court, and seems to have been in favour of radical constitutional reform. He nevertheless pointed out that in accepting nomination as a judge, and in attending the trial, he was 'deluded by the specious pretence of evil minded persons', and he claimed to have withdrawn from proceedings when the king's request for an adjournment was rejected (27 January 1649). Love also claimed that he refused to return, even though he was 'menaced by Cromwell and many other officers... to sign their contrived warrant'.<sup>7</sup> Love's claims are hard to verify, but there are genuine grounds for thinking that he was enthusiastic about a trial but not about regicide, since he had been reported in late December 1648 as having said that the charge against

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the king would involve 'nothing but what he knew the king could clearly acquit himself of'.<sup>8</sup> Similar conclusions emerge from the testimony of John Lisle, another of those who was named as a judge but who did not sign the death warrant. Lisle stressed that he was 'never privy in the least, to the framing, penning, or contriving of any bill brought into the Long Parliament for trial of the late king', that he did not 'assent to the passing thereof', and that he 'wholly refused to sign the warrant in relation to the king's death'.<sup>9</sup> On this occasion, however, such claims are hard to believe. Lisle was one of the chief organisers of the trial, and he attended 14 out of 19 meetings in which the judges planned proceedings, and helped Bradshaw to prepare the charge, although it is true that he was absent on 27 January, and that his name does not appear on the death warrant.<sup>10</sup>

Other commissioners pursued different lines of argument. Thomas Lister claimed to have been over 100 miles away when Pride's Purge took place in December 1648, and suggested that he only attended the High Court 'to understand the cause'. Upon realising what was happening, Lister apparently 'came away... and never was there but that one time', regretting that he had turned up through 'weakness and inadvertancy'. Lister's defence seems watertight: he attended two meetings of the commissioners in the Painted Chamber (10 and 17 January), but did indeed withdraw after the first day of the trial (20 January). Matthew Thomlinson protested that his name had been inserted into the ordinance setting up the court by mistake, 'though he was never present upon any proceedings therein'. At least part of this statement is contradicted by the official record, which reveals that Thomlinson attended the trial on 20 and 27 January – suggesting that he was present when the sentence was read – and that he attended meetings in the Painted Chamber after sentencing, although he did not sign the death warrant. Lord Monson claimed that he had been 'unhappily nominated' to the High Court 'without his knowledge or consent', and that although he 'did sit at the first' – 'unfortunately and contrary to his inclinations' – he did so 'with designs of duty and loyalty... to prevent that horrid murder by winning others to oppose it'. Upon finding, however, that 'their violence and bloody design was not to be declined', Monson 'withdrew himself with a great abhorrence of it'. Monson's motives for attending the trial, of course, are impossible to test, but he does indeed seem to have become disillusioned with the proceedings, and after attending the first three days of the trial (20, 22, 23 January) he disappeared from planning meetings after 26 January, and was absent from Westminster Hall on the day of sentencing.

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Finally, Sir Henry Mildmay claimed that 'the only end' why he attended proceedings was 'to improve his utmost care and industry... to preserve his said Majesty's life'. Mildmay too is hard to contradict; he attended with some regularity – including one day of the trial – and although we cannot prove that he did so with a view to preserving the king's life, he certainly withdrew from the proceedings in Westminster Hall after 23 January, and stopped attending planning meetings after 26 January.<sup>11</sup>

To such claims must be added evidence regarding those who were more obviously labelled as regicides. John Hutchinson, who signed the death warrant, made no excuses about his involvement in the trial, but instead drew attention to his willingness to support the Restoration, and such claims were supported by a group of proven royalists. Others, like William Heveningham, disputed their status as regicides. Heveningham, who did not sign the death warrant, raised an awkward issue regarding the way in which regicides were identified, by pointing out that he 'did refuse to sign the warrant for his said majesties death, although he was pressed thereunto by much importunity by Serjeant Bradshaw', and that he 'did refuse to consent to His Majesty's death by holding up his hand, as the rest did'. In another petition, Heveningham blamed his involvement upon 'the threatenings of the cunning contrivers of that horrid murder', saying that he was 'unhappily betrayed into that misfortune to be present in that unjust court', by organisers who pretended that 'nothing was intended by them against the life of His Majesty'. He professed to have realised that execution was planned only on the day of sentencing, prompting his refusal to assent to the decision. Finally, Heveningham protested that he 'never was acquainted or privy to any of their secret plots and contrivances or got any advantage by them, and did ever oppose what might any way strengthen or countenance the late Oliver or his son's tyrannical government', and he even claimed to have provided financial support for Charles II. As with other petitioners, Heveningham's claims are hard to test – we have no record of who raised their hands when sentence was passed – although his record as an assiduous commissioner certainly came to an abrupt end when the king's fate was indicated on 27 January.<sup>12</sup>

The claims made by regicides, commissioners and radicals in the spring and summer of 1660 – relating to the planning of the trial, attendance at the proceedings, and the signing of the death warrant, as well as to political activity after 1649 – are thus revealing, perplexing and problematic. They

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are often hard to test, either because motivations are unfathomable, or because certain episodes are shrouded in mystery. However, while it might be tempting to dismiss such arguments as special pleading – not least regarding the pressure exerted by Cromwell and others – it is worth reflecting that these petitions and statements reveal both truth and falsity, and that some men found witnesses who could support up their claims. As such, it might not be too fanciful to take seriously the possibility that some of those who joined the court did not do so hoping or expecting that the king's fate was already sealed.

### II

Our next task is to examine the claims made in court in October 1660, and to look beyond the radical regicides, whose best defence involved insistence that they were motivated by obedience to legal authority rather than by malice.<sup>13</sup> Attention needs to be paid, in other words, to the lesser lights, whose defences have often been described as 'weak', as demanding 'no consideration', and as 'unconvincing', 'unintelligible' and 'untrue'.<sup>14</sup> Such judgments are not wholly inexplicable, of course, given that Henry Smith professed not to remember whether he signed the death warrant, that Isaac Pennington claimed not to be able to remember whether he was present when sentence was passed, and that Simon Mayne claimed to have been in hiding on the final day of the trial, even though his attendance is clearly recorded.<sup>15</sup> Nevertheless, I would like to suggest that the claims made by the regicides – which fall into four main areas – should be taken a great deal more seriously.

First, a number of men protested that they had played no part in planning the proceedings. Pennington did so implausibly, given his parliamentary record, but Robert Lilburne and Simon Mayne probably spoke the truth about being neither plotters nor contrivers, since the former was not yet an MP and the latter was an inconsequential backbencher. Thomas Waite claimed to have withdrawn from London after Pride's Purge, to have resisted calls to return to Westminster until joining the court in the closing stages of the trial, and even to have opposed petitions demanding justice against the king, and this too has a ring of truth, since official records confirm his absence from the Commons, and his arrival at the court only two days before sentence was passed. John Downes professed that he 'never was in consultation about the thing', that he 'was never of any junto or cabal', and that he sat on no committees regarding the ordinance for the

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king's trial; and this too may have been true, although he was at least nominated to one committee to consider the erection of the High Court.<sup>16</sup>

Secondly, claims were also made about the process by which the judges were nominated. Simon Mayne claimed to have attempted to remove his name from the ordinance during a Commons debate, only to have been brow-beaten by Thomas Chaloner, while Downes insisted that his name was initially omitted from the plans, only to be inserted into the legislation against his wishes at a later date, and almost by accident, after he bumped into the trial's organisers in a Westminster corridor. Mayne's story cannot be verified, since we lack evidence about parliamentary debates during these relevant weeks, and Downes' name certainly seems to have been in the frame when the first ordinance was submitted to Parliament on 1 January 1649.<sup>17</sup> However, it is now clear that the process of formulating legislation and picking the judges was highly complex and convoluted, that the first ordinance was rejected, and that there followed a process of personal lobbying and factional manoeuvring which saw some names removed and others inserted before plans were finally approved on 6 January. It now makes sense to argue, in other words, that the planning process was bedevilled by divisions over the intended outcome, and that this became manifest in debates over the nomination of individual judges, and as such the claims of both Downes and Mayne become much more difficult to dismiss.<sup>18</sup>

Thirdly, when the regicides explained their involvement in the proceedings, they often made claims about youthful stupidity and 'want of years', respect for authority, pressure from elders and betters, and 'ignorance'. Robert Tichborn, who was in his early 30s, pleaded youthfulness, while Gilbert Millington professed to have been 'awed by the present power then in being', and Smith said that 'there were those about me... whom I dared not disobey'. Downes talked of an 'express order' commanding his attendance, and of being 'ensnared' as a result of 'weakness and fear'. Waite claimed to have been duped into becoming a judge, and even that he was forced to attend by Cromwell and Ireton, both of whom were obviously dead, and unable to contradict him. A series of regicides also pleaded a version of the defence of 'ignorance', and here I would argue that this is not necessarily as silly as it initially sounds. Very often 'ignorance' involved not being aware that the aim of the trial was to secure a death sentence, and different regicides professed to have reached the conclusion that death was possible,

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or likely, at different stages in the proceedings. Downes claimed not to have known that the king was brought to London 'to take away his life', but realised that this was the intention when 'the bill was brought into the House to erect a High Court of Justice'. Harvey – who could not deny being involved in preparing the groundwork for the trial, or being present when the sentence was read, but who did not sign the death warrant – protested that he did not realise that the trial would mean death, and even produced witnesses – admittedly friends and kinsmen – who recalled conversations during the closing stages of the trial which revealed expectations that the king would be acquitted. Waite claimed to have been reassured by Lord Grey of Groby that the king would not be killed, and to have contemplated the possibility that this might not be true only when signatures were gathered for the death warrant, on 29 January.<sup>19</sup>

Fourthly, no less than four regicides claimed to have intervened in the proceedings on 27 January, in order to support the king's belated request for talks. The most important of these was Downes, who claimed to have protested at the decision to ignore the king's plea, to have spoken with other judges – William Cawley and Valentine Walton – and to have resisted Cromwell's attempt to silence him, until he eventually 'started up in the very nick, when the president commanded the clerk to read the sentence', in order to protest that 'I am not satisfied to give my consent to this sentence, but have reasons to offer to you against it, and I desire the court may adjourn to hear me'. It was this intervention, according to Downes, which prompted Bradshaw to adjourn the court, and in the meeting which followed Downes claimed to have argued that there was still time to reach a settlement, and even to have reminded fellow judges about an earlier resolution that the trial could be interrupted in the event of an emergency. Downes apparently insisted that 'if this were not an emergency, I could not tell what was', and that his order had been passed in the expectation that the king would eventually recognise the need to recognise the power of the court. For such comments Downes apparently incurred the 'scornful wrath' of Cromwell, who called him a 'peevish tenacious man', accused him of seeking to save 'his old master' – Downes once held minor office in the Duchy of Cornwall – and labelled him a malignant. Downes's response to such accusations, and to the threats which followed, was to withdraw into the Speaker's chamber, and to boycott the remainder of the trial.<sup>20</sup>

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At their trial in October 1660, therefore, some of the regicides reiterated claims made earlier in the year, about the planning of the trial and the processes involved, and we are once again confronted with statements which are beyond entirely rigorous scrutiny, but which cannot be dismissed entirely. Moreover, what comes into sharper focus at this stage is that at least some of those who were appointed as judges and who served on the High Court were odd appointments, whose political records and status did not mark them out as obvious or important radicals. Once it is recognised that many of those tried in 1660 were inconsequential backbenchers (if MPs they were at all), it becomes easier to take seriously claims about their 'ignorance' regarding the proceedings. It becomes easier, in other words, to consider the possibility that someone like Smith could be nominated to committees involved in preparing for the trial, and then serve as an assiduous member of the court, at the same time as being less than entirely familiar with political machinations at the highest level, and perhaps even influenced by powerful colleagues and kinsmen. Moreover, what also emerges are intriguing issues relating to the ways in which individual judges responded to proceedings, and began to have doubts, or qualms, about what was happening. It must of course be noted that at this stage there is no concrete evidence to suggest that it was Downes, or indeed any other commissioner, who provoked Bradshaw's decision to adjourn the court, or to corroborate the claims made about the conversation which took place in the Court of Wards. Moreover, key witnesses – Cawley, Walton – were in exile, and unable to corroborate such stories. Cromwell, of course, was dead. Nevertheless, Downes and Harvey do seem to have withdrawn from the proceedings, and Downes' story was not laughed out of court, and whatever we think about the motives and plans of men like Cromwell, it does not seem implausible to suggest that more humble regicides began to question once it became clear that the king was likely to be sentenced, and that the sentence being considered was death, something upon which the record is silent until 26 January.

### III

My third task is to examine the claims made after October 1660, and the stories spun by the regicides who evaded the death penalty, and here my aim is to explore the possibility that the contrasting fates of the regicides reflects not just the fact that some had surrendered, but also the possibility that some were perceived to be less guilty than others, and that some credence was given to their excuses. Speaking about James Temple, one lawyer



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suggested that 'there are some worse than he', while Smith's protestation about 'ignorance', youth (he was just under 30) and peer pressure, prompted one of the judges to state that 'we ought to have a tender compassion, [and] ought to be sorry with and for them that are sorrowful', and even to suggest that the defendant was a 'silly sheep'. Even Mark Noble – hardly ever generous towards the regicides – argued that some men were probably 'fooled by the heads of the party' into thinking that that the king would not die, and that he would merely be pressured into accepting harsh terms.<sup>21</sup>

That the regicides who evaded execution in October 1660 continued to defend themselves reflected awareness that parliament reserved the right to impose the death penalty at a later date, and that, in the nervous early months of the new regime, many sought to pursue a harder line. As such, when faced with renewed legal proceedings in early 1662, many of the surviving prisoners – as well as non-regicides who feared for their lives – felt compelled to issue new petitions and pamphlets. Smith once again blamed his involvement on the fact that he was 'a very young man', and on the threats of 'those that then ruled the army', including his own kinsmen, although if this was an allusion to his father-in-law, Cornelius Holland, then it was a claim which was hard to challenge, since the latter had fled to the Continent, and could not be questioned. Gilbert Millington professed to have been 'overawed by the powers then in being', while Heveningham repeated earlier claims about having attended the court 'with firm resolutions to save his most precious life', and about having refused to signal his approval of the death sentence. Another non-regicide, Robert Wallop, sought in vain to prevent imprisonment by protesting that he only appeared at the trial 'to preserve the life of his late majesty', that he did so at the request of royalist friends who wanted him to 'blunt the edge of the other furious persons', and that he withdrew after attending for just two days, the last of which claims was certainly true.<sup>22</sup>

The four most interesting cases, however, are those of George Fleetwood, Thomas Waite, John Downes and James Temple, which will be considered briefly in turn. George Fleetwood claimed – truthfully – to have been absent from Westminster when the trial was enacted, thus strengthening his claim that his name had been inserted into the act without his 'privity or consent', and that he had subsequently left London in protest. He also claimed – again truthfully – to have missed the opening three days of the trial, thus lending some credence to the claim that his presence on the day

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of sentencing was 'accidental and enforced'. Fleetwood also referred to his youth – he was probably 25 or 26 – and to the fact that he was 'frightened... into the court' by the 'power, commands and threats' of Cromwell. Such claims were fairly familiar, but Fleetwood was also able to secure supporting testimony, at least regarding his later career: George Monck and Lord Ashley claimed that he had helped to restore the king, that he had frequently expressed 'abhorrence' at the execution, and that he was 'an earnest opposer' of the oath abjuring Charles II.<sup>23</sup>

Thomas Waite's petition and printed statement essentially reiterated earlier excuses, but they were much more detailed about the support he claimed to have offered Downes on 27 January, about how he was 'menaced' by Cromwell, and about the circumstances in which he was 'forced' to signed the death warrant, 'not knowing what was contained therein'. He also added new claims about how his reluctant participation in the trial earned him the perpetual mistrust of Cromwell, who thereafter 'looked upon him with an evil eye', and indeed about how he was a 'great sufferer under Cromwell'. What makes Waite's 1662 case particularly interesting, however, was his ability to muster witness statements from men like John Bowden and John Sharpe, who apparently met Waite upon his return to London – on 25 or 26 January 1649 – and who recalled him saying that he felt compelled to 'show himself' at the Commons 'or else he should be sequestered', and that he was 'melancholy and discontented' at the prospect that 'they would take away the king's life'. William Wetton, meanwhile, claimed to have observed the disturbance caused by Downes and Waite on 27 January, and even to have been an eye-witness to the events in the Court of Wards. Wetton testified, therefore, that Downes and Waite 'did strongly move that the king's proposals might be heard, for he offered without the spilling of blood to settle the nation for the good of all', and that Cromwell responded by asking whether the trial should be 'obstructed by two or three peevish men', as well as the fact that neither MP returned to Westminster Hall. Wetton also recalled Waite arguing that the execution 'was an act [which] they would all repent of', and claiming that 'Cromwell and Ireton had by persuasions and force overawed him into the setting his hand to a writing not knowing the contents of it'.<sup>24</sup>

Needless to say, Wetton was also called as a witness by Downes, in order to prove that other judges were suspicious about his zeal for the trial, and in order to provide testimony about events in the Court of Wards on 27

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January. Wetton recalled hearing Downes speak 'with a great deal of earnestness', recalled hearing Cromwell describe him as 'a peevish man' who 'pretended conscience and the public good' while intending 'the service of his own master', and recalled that he had been unable to spot Downes when the court reassembled. As with so much of the 'evidence' presented by the regicides, Wetton's testimony is as fascinating as it is problematic, not least because the individuals he mentioned were either dead or in exile. Nevertheless, Downes also found support from other witnesses, including his brother, Richard Downes, a London draper, who also claimed to have witnessed the events of 27 January, and to have observed how Downes did not resume his place after the adjournment, even if he had to admit to not being able to hear the interjection which prompted the pause in proceedings. Richard Downes also reported the opprobrium heaped upon his brother by radical republicans, as well as the legacy of bitterness which the episode caused. George Almerly recalled how, before the trial began, Downes told him that 'they would not take away His Majesties life, but only show their power to bring His Majesty to terms', while another witness, Samuel Taylor, recalled how even in 1656 Downes feared being 'ruined' by Cromwell, such was the latter's rage against him.<sup>25</sup> Whatever we might make of the plausibility of such witnesses, who may all have been friends and kinsmen, some contemporaries appear to have been prepared to listen, and it is noteworthy that, in January 1662, Downes's name was ordered to be 'struck out' of the bill for executing some of the remaining regicides.<sup>26</sup>

Finally, James Temple claimed that he 'had no share in that wicked contrivance in taking away the sacred life of his said late majesty', that he had 'deserted' parliament after Pride's Purge, and that he only returned to Westminster on 8 January 1649, all of which seems to be true. More striking, however, is his claim to have attended the court at the behest of two royalist ministers – Dr Goffe and Dr Hammond – who 'came to him as from the said late king', asking him to attend the trial in order to 'discover what resolutions were taken concerning his late majesty and who were the chief promoters thereof'. Temple also claimed to have 'applied himself' to Cromwell – 'that cruel tyrant and usurper' – on many occasions, 'with tears in his eyes, begging of him not to bring such a blot or bloody stain upon the Protestants, as to execute his said sacred majesty'. And he also claimed to have protected Goffe during the 1650s, prompting suspicions regarding his allegiance and his removal as governor of Tilbury Fort. Extraordinary as such claims sound, they may actually have substance. Key elements are

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obviously hard to verify – Hammond (a kinsman) was dead by 1662, and Goffe was a Catholic exile – but it is certainly true that Temple fell from favour at Westminster after the summer of 1649, that he was thought to have behaved improperly regarding royalists and recusants, and that he was removed from Tilbury in September 1650. Moreover, Temple was also able to boost his royalist credentials with support from witnesses such as William Denton who, like others, attested to claims about aid and protection offered to particular royalists during the 1650s.<sup>27</sup>

### IV

In July 1660, Hugh Peter, the cleric who would later be executed as a regicide, noted that those who 'think to vindicate themselves to the world by writing apologies rarely reach their ends, because their game is an aftergame, prejudice is strong, and the plaster can hardly be made broad enough, nor apologies put into hands who had prejudged, and received the first tincture'.<sup>28</sup> These words proved to be wise indeed about how history has treated the claims made by regicides and trial commissioners who were captured, imprisoned and put on trial in 1660, and who thereafter faced persistent threats to their liberty and their lives. My aim has been to treat such claims with a little more detachment, and to subject them to closer scrutiny. My aim has *not* been to suggest that every claim made after the Restoration can be believed. Many cannot be proved, many can be dismissed as special pleading, and many were difficult to disprove because key individuals were either dead or in exile. Nevertheless, it is occasionally possible to test and verify even the most extravagant of excuses and explanations, and as such there might be some room for revising our understanding of the regicides, and of the trial of Charles I. None of this is intended to deny that there were judges who were intent upon killing the king, and whose motivations for erecting the High Court were regicidal. But it is to suggest that there are grounds for suspecting that not all of those who were involved were enthusiastic king-killers. Many were clearly backbenchers who could plausibly claim not to have been privy to the ideas and attitudes of those who planned the trial, and who had clearly not been involved in planning the proceedings. It also seems plausible that some men were surprised to find themselves named as judges, and the most astute scholars of this dramatic period have recognised that the list of trial commissioners is perplexing in terms of who was absent and who was appointed. Indeed, it is hard to avoid the conclusion that those who drew up the list of commissioners either did not know what they were doing, or

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that they were not thinking about regicide as an inevitable outcome. Put simply, the judges appointed in January 1649 were not those a sensible king-killer would have picked in order to guarantee the outcome. As such, it seems plausible to conclude that different commissioners were there for different reasons. Some of them may well have had their arms twisted. Some of them probably joined the proceedings assuming that the trial could (or even would) result in something other than the king's death. Even if the organisers were regicidal, some of the participants may have been ignorant of this fact, and may have entered the court believing that execution was unthinkable or unplanned. As such, it makes sense to accept the possibility that individual commissioners not only viewed the trial in different ways, but also that they experienced it in different ways, and realised that the king was likely to die only more or less slowly, perhaps even as late as 26 or 27 January, or perhaps only at some point between the reading of the sentence and the fall of the axe.

- <sup>1</sup> Staffordshire Record Office, D868/4/100a.
- <sup>2</sup> R. C. H. Catterall, 'Sir George Downing and the Regicides', *American Historical Review*, 17 (1912), pp. 268-89; H. Nenner, 'The trial of the regicides: retribution and treason in 1660', in H. Nenner, ed., *Politics and the Political Imagination in Later Stuart Britain* (Woodbridge, 1998), pp. 21-42.
- <sup>3</sup> S. Kelsey, 'The trial of Charles I', *English Historical Review*, 118:447 (2003), pp. 583-616; S. Kelsey, 'The death of Charles I', *Historical Journal*, 45.4 (2002), pp. 727-54.
- <sup>4</sup> Hereafter, patterns of attendance as gleaned from: J. G. Muddiman, *The Trial of King Charles I* (Edinburgh, 1928).
- <sup>5</sup> See the article by Lloyd Bowen, below.
- <sup>6</sup> British Library, Additional MS 4159, fo. 232.
- <sup>7</sup> *HMC Seventh Report*, p. 119; *C[alendar of] S[tate] P[apers] D[omestic] 1660-1*, pp. 5, 8; *C[ommons] J[ournal]*, vi. 106, 110-15, 118.
- <sup>8</sup> Bodleian MS Clarendon 34, fo. 17v.
- <sup>9</sup> *The Humble Petition of John Lisle* (1660).
- <sup>10</sup> *CJ*, vi. 103, 106, 107, 110-11; *CSPD 1648-9*, p. 353.
- <sup>11</sup> *HMC Seventh Report*, pp. 121, 123, 150.
- <sup>12</sup> *HMC Seventh Report*, pp. 86, 115, 120-1, 125, 129; *CSPD 1660-1*, p. 39.

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- <sup>13</sup> *State Trials*, v. 1046, 1052, 1056, 1065, 1071; *An Exact and Most Impartial Account* (1660), p. 245.
- <sup>14</sup> M. Noble, *The Lives of the English Regicides* (2 vols, London, 1798), ii. 66, 316; *Oxford Dictionary of National Biography* (Waite); *Dictionary of National Biography* (Downes).
- <sup>15</sup> *Exact and Most Impartial Account*, pp. 244-5, 254; *State Trials*, v. 1198-9; *Somers Tracts*, vii. 456-7.
- <sup>16</sup> *Exact and Most Impartial Account*, pp. 253-5, 266, 268-9; *State Trials*, v. 1198-9; Downes, *A True and Humble Representation* (1660).
- <sup>17</sup> *State Trials*, v. 1217; *Somers Tracts*, vii. 456-7; Downes, *True and humble representation*; *Exact and Most Impartial Account*, p. 258; *Mercurius Pragmaticus*, 40/1 (26 Dec. 1648-9 Jan. 1649).
- <sup>18</sup> S. Kelsey, 'The ordinance for the trial of Charles I', *Historical Research*, 76:193 (2003), 310-31.
- <sup>19</sup> *Exact and Most Impartial Account*, pp. 242-5, 251-4, 261, 266, 268-9; *State Trials*, v. 1198-9; Downes, *True and humble representation*.
- <sup>20</sup> Downes, *True and Humble Representation*; *Exact and Most Impartial Account*, pp. 242, 253-4, 260, 268-9; *State Trials*, v. 1196-7.
- <sup>21</sup> *Exact and Most Impartial Account*, pp. 254, 256, 266; Noble, *Lives*, ii. 316.
- <sup>22</sup> HMC, *Seventh Report*, pp. 151, 156-8; Parliamentary Archive, MP 7 Feb. 1662; *CJ*, viii. 256, 282-3, 286, 295; *L[ords] J[ournals]*, ix. 380; *CSPD 1661-2*, pp. 245-6; National Archives, SP 29/49, fos. 99-102.
- <sup>23</sup> HMC, *Seventh Report*, p. 159; Parliamentary Archive, MP 7 Feb. 1662.
- <sup>24</sup> HMC, *Seventh Report*, 156-7; Parliamentary Archive, MP 7 Feb. 1662; *Thomas Waites Case* (1661?); *Exact and Most Impartial Account*, pp. 259-60; Downes, *True and Humble Representation*.
- <sup>25</sup> HMC, *Seventh Report*, pp. 158-9; Parliamentary Archive, MP 7 Feb. 1662.
- <sup>26</sup> *CJ*, viii. 349.
- <sup>27</sup> HMC, *Seventh Report*, p. 156; Parliamentary Archive, MP 7 Feb. 1662.
- <sup>28</sup> HMC, *Seventh Report*, p. 115.

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