

THE BROADVIEW  
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# *The Trial of Charles I*

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By which cruel and unnatural wars by him the said Charles Stuart levied, continued, and renewed as aforesaid, much innocent blood of the free people of this nation has been spilt, many families have been undone, the public treasury wasted and exhausted, trade obstructed and miserably decayed, vast expense and damage to the nation incurred, and many parts of this land spoiled, some of them even to desolation. And for further prosecution of his said evil designs, he the said Charles Stuart does still continue his commissions to the said prince and other rebels and revolvers, both English and foreigners, and to the Earl of Ormond and to the Irish rebels and revolvers associated with him, from whom further invasions upon this land are threatened, upon the procurement and on the behalf of the said Charles Stuart.

All which wicked designs, wars, and evil practices of him the said Charles Stuart have been and are carried on for the advancement and upholding of a personal interest of will and power, and pretended prerogative to himself and his family, against the public interest, common right, liberty, justice, and peace of the people of this nation, by and for whom he was intrusted as aforesaid.

By all which it appears that he the said Charles Stuart has been and is the occasioner, author, and continuer of the said unnatural, cruel, and bloody wars, and therein guilty of all the treasons, murders, **rapines**, burnings, spoils, desolations, damages, and mischiefs to this nation acted and committed in the said wars, or occasioned thereby.

And the said John Cooke by protestation saving on the behalf of the said people of England the liberty of exhibiting at any time hereafter any other charge against the said Charles Stuart, and also of replying to the answers which the said Charles Stuart shall make to the premises, or any of them, or any other charge that shall be so exhibited, does for the said treasons and crimes, on the behalf of the said people of England, impeach the said Charles Stuart as a tyrant, traitor, murderer, and a public and implacable enemy to the Commonwealth of England, and pray that the said Charles Stuart, king of England, may be put to answer all and every [of] the premises, and that such proceedings, examinations, trials, sentences and judgments may be thereupon had, as shall be agreeable to justice. Subscribed, John Cooke.

The prisoner, while the charge was reading, sat down in his chair, looking sometimes on the High Court and sometimes on the galleries, and rose again and turned about to behold the guards and spectators, and after sat down looking very sternly, and with a countenance not at all moved, till these words, *viz. CHARLES STUART to be a tyrant, traitor, &c.* were read; at which he laughed as he sat in the face of the Court.

The charge being read, the Lord President, in the name of the Court, demanded the prisoner's answer thereto. But the prisoner declining that, fell into a discourse of the late treaty in the Isle of Wight, and demanded, by what lawful authority he was brought from the Isle thither, upbraiding the Court

with the many unlawful authorities in the world, instancing robbers and takers of purses, pleading his kingship, and thereby a trust committed to him by God, by descent, which he should betray, together with the liberties of the people, in case he should answer to an unlawful power, which he charged the Court to be, and that they were raised by an usurped power; and affirmed, that he stood more for the liberties of the people than any of the judges there sitting, and again demanded, by what authority he was brought thither?

To which it was replied by the Court that had he been pleased to have observed what was declared to him by the Court at his first coming, and the charge which he had heard read unto him, he might have informed himself by what authority he was brought before them, namely, by the authority of the Commons of England assembled in parliament, on the behalf of the people of England; and did therefore again several times advise him to consider of a better answer, which he refused to do, but persisted in his **contumacy**. Whereupon the Court at length told him that they did expect from him a positive answer to the charge, affirming their authority, and giving him to understand that they were upon God's and the kingdom's errand, and that the peace stood for would be better had and kept when justice was done, and that was their present work. [The Court] advised him seriously to consider what he had to do at his next appearance, which was declared should be upon Monday following, and so remanded him to his former custody.

The prisoner, all the time having kept on his hat, departed without showing any the least respect to the Court. But going out of the bar, said, he did not fear that bill, pointing to the table where the sword and charge lay.

The prisoner being withdrawn, three proclamations were made, and the Court adjourned itself to the Painted Chamber on Monday morning then next, at nine o'clock, declaring that from thence they intended to adjourn to the same place again.

\*\*[What follows between these asterisks and the next is an insertion made by Nalson, drawing from Mabbott, but with some edits of his own, shown in italics. One exception: whereas Mabbott used Bradshaw's title, Lord President, in Nalson's borrowing, it is simply "Bradshaw."]

*But that the reader may have the entire relation of this deplorable tragedy, I have from the most authentic prints inserted at large the interlocutory passages between the king and Bradshaw, of which Mr. Phelps in his journal gives only a succinct account; which take as follows:*

*His Majesty with his wonted patience, heard all these slanders and reproaches, sitting in the chair and looking sometimes on the pretended Court, sometimes up to the galleries, and rising again, turned about to behold the guards and spectators. Then he sat down with a majestic and unmoved countenance, and sometimes smiling, especially at those words [tyrant, traitor,] and the like. Also the silver head of his*

**contumacy:**  
Obstinate refusal to  
obey a court order.

**rapine:** Plunder or  
pillage, theft by force.



*staff happened to fall off, at which he wondered; and seeing none to take it up, he stooped for it himself.*

*The charge being read, Bradshaw began.*

Sir, You have now heard your charge read, containing such matters as appear in it: You find that in the close of it, it is prayed to the Court, in the behalf of the Commons of England, that you answer to your charge. The Court expects your answer.

*King:* I would know by what power I am called hither. I was not long ago in the Isle of Wight, how I came there is a longer story than I think is fit at this time for me to speak of, but there I entered into a treaty with both Houses of Parliament, with as much public faith as it's possible to be had of any people in the world. I treated [negotiated] there with a number of honourable lords and gentlemen, and treated honestly and uprightly. I cannot say but they did very nobly with me. We were upon a conclusion of the treaty. Now I would know by what authority (I mean lawful; there are many unlawful authorities in the world—thieves and robbers by the high-ways—but I would know by what authority) I was brought from thence, and carried from place to place, and I know not what. And when I know by what lawful authority, I shall answer.

Remember, I am your king, your lawful king, and what sins you bring upon your heads and the judgment 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. Therefore let me know by what lawful authority I am seated here, and I shall not be unwilling to answer. In the meantime, I shall not betray my trust; I have a trust committed to me by God, by old and lawful descent. I will not betray it to answer to a new unlawful authority. Therefore, resolve me that, and you shall hear more of me.

*Bradshaw:* If you had been pleased to have observed what was hinted to you by the Court at your first coming hither, you would have known by what authority; which authority requires you in the name of the people of England, of which you are elected king, to answer.

*King:* No, Sir, I deny that.

*Bradshaw:* If you acknowledge not the authority of the Court, they must proceed.

*King:* I do tell them so: England was never an elective kingdom, but an hereditary kingdom for near these thousand years. Therefore let me know by what authority I am called hither. I do stand more for the liberty of my people than any here that come to be my pretended judges. And therefore let me know by what lawful authority I am seated here, and I will answer it; otherwise I will not answer it.

*Bradshaw:* Sir, how really you have managed your trust, is known. Your way of answer is to interrogate the Court, which beseems not you in this condition. You have been told of it twice or thrice.

*King:* Here is a gentleman, Lieut. Col. Cobbet, ask him if he did not bring me from the Isle of Wight by force. 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; and the king too should have been [here]. Is this the bringing of the king to his parliament? Is this the bringing an end to the treaty in the public faith of the world? 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.

*Bradshaw:* Sir, you have propounded a question, and have been answered. Seeing you will not answer, the Court will consider how to proceed. In the meantime, those that brought you hither are to take charge of you back again. The Court desires to know whether this be all the answer you will give, or no.

*King:* Sir, I desire that you would give me and all the world satisfaction in this. Let me tell you, 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 you shall do well to satisfy first God and then the country by what authority you do it. If you do it by a usurped authority, you cannot answer it. There is a God in Heaven that will call you, and all that give you power, to account. Satisfy me in that, and I will answer; otherwise I betray my trust, and the liberties of the people. And therefore think of that, and then I shall be willing. For I do avow that it is as great a sin to withstand lawful authority, as it is to submit to a tyrannical, or any other ways unlawful authority. And therefore satisfy God, and me, and all the world in that, and you shall receive my answer. I am not afraid of the bill.

*Bradshaw:* The Court expects you should give them a final answer. Their purpose is to adjourn till Monday next. If you do not satisfy yourself, though we do tell you our authority, we are satisfied with our authority; and it is upon God's authority and the kingdom's. And that peace you speak of, will be kept in the doing of justice, and that's our present work.

*King:* For answer, let me tell you, you have shown no lawful authority to satisfy any reasonable man.

*Bradshaw:* That's in your apprehension; we are satisfied that are your judges.



*King:* 'Tis not my apprehension, nor yours neither, that ought to decide it.

*Bradshaw:* The Court has heard you, and you are to be disposed of as they have commanded.

*So commanding the guard to take him away, His Majesty only replied, Well, Sir. And at his going down, pointing with his staff toward the axe, he said, I do not fear that. As he went down the stairs, the people in the hall cried out, God save the King, notwithstanding some were set there by the faction to lead the clamour for justice.<sup>1</sup>\*\**

*Painted Chamber, January 22.*

Here the Court sat private.

Ordered, that the committee for nominating the officers of this Court, together with the committee for nominating the guards, do consider of an allowance for diet of the officers, and what other satisfaction they shall have for their service.

Col. Harvey informs the Court that he was desired to signify, in the behalf of Mr. John Corbet, member of this Court, that his absence is not from any disaffection to the proceedings of this Court, but in regard of other especial employment that he has in the service of the state.

Here the Court considered of the king's carriage on the Saturday before, and of all that had then passed on the Court's behalf, and approved thereof, as agreeing to their sense and directions. And perceiving what the king aimed at, *viz* to bring in question (if he could) the jurisdiction of the Court and the authority whereby they sat; and considering that he had not in the interim acknowledged them in any sort to be a Court, or in any judicial capacity to determine of his demand and plea, and that through their sides he intended to wound (if he might be permitted) the supreme authority of the commons of England, in their representative. The Commons assembled in parliament, after advice with their counsel learned in both laws and mature deliberation had of the matter, resolved that the prisoner should not be suffered to bring these things in question which he aimed at, touching that highest jurisdiction, whereof they might not make themselves judges, and from which there was no appeal. And therefore order and direct, *viz*.

Ordered, that in case the king shall again offer to fall into that discourse, the Lord President do let him know that the Court have taken into consideration his demands of the last day, and that he ought to rest satisfied with this answer, that the Commons of England assembled in parliament have constituted this

<sup>1</sup> This is a paraphrase of what Mabbott wrote here: "It is to be observed that as the charge was reading against the king, the head of his staff fell off, which he wondered at. And seeing none to take it up, he stoops for it himself. As the king went away, facing the court, he said 'I do not fear that' (meaning the sword). The people in the hall, as he went down the stairs, cried out, some, 'God save the King' and most for 'Justice.'"

Court, whose power may not nor should not be permitted to be disputed by him, and that they were resolved he should answer his charge.

That, in case he shall refuse to answer or acknowledge the Court, the Lord President do let him know that the Court will take it as a contumacy, and that it shall be so recorded.

That, in case he shall offer to answer with a saving notwithstanding of his pretended prerogative, that the Lord President do in the name of the Court refuse his protest and require his positive answer to the charge.

That, in case the king shall demand a copy of the charge, that he shall then declare his intention to answer, and that declaring such his intention, a copy be granted unto him.

That, in case the king shall still persist in his contempt, the Lord President do give command to the clerk to demand of the king in the name of the Court, in these words following, *viz*. Charles Stuart, king of England, you are accused in the behalf of the people of England of diverse high crimes and treasons, which charge has been read unto you. The Court requires you to give a positive answer, whether you confess or deny the charge, having determined that you ought to answer the same.

Ordered, that the commissioners shall be called in open Court, at the Court's sitting in the Hall, and that the names of such as appear shall be recorded.

Hereupon, the Court forthwith adjourned itself into Westminster Hall.

*Westminster Hall, 22 January Afternoon.*

The commissioners coming from the Painted Chamber take their place in the public court in Westminster Hall, as on Saturday before. And being sat, and the Hall doors set open, three proclamations are made for all persons that were adjourned over to this time to give their attendance, and for all persons to keep silence upon pain of imprisonment.

The Court is thereupon called. The Court being called, the sergeant is commanded to fetch his prisoner. The king is again brought prisoner to the bar, as on Saturday before. Proclamation is made for silence whilst pleas of the Commonwealth were in hand, and order given to the captain of the guard to take into his custody such as should disturb the Court.

Mr. Solicitor moved the Court that the prisoner might give a positive answer to his charge, or otherwise that the Court would take the matter of it *pro confesso* [as if confessed] and proceed thereupon according to justice; which being pressed by the Court upon the prisoner, and their judgment again made known unto him, that he was to answer his charge, otherwise that his contumacy would be recorded.

The prisoner, that notwithstanding, still insisted upon his former plea and that the Court had no power, nor the commons of England who had constituted it, to proceed against him. Upon which, the clerk of the Court, by command and according to former order, required his answer in the form prescribed. And the



prisoner still refusing to submit thereto, his default and contempt were again recorded, the prisoner remanded, and the Court adjourned itself till the next day, being Tuesday, at twelve o'clock, to the Painted Chamber; withal, giving notice, that from thence they intended to adjourn to this place again.

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\*\*[Nelson's interpolation, between these asterisks and the next, is drawn from Mabbott, with his own additions in italics.]

*Sunday having been spent in fasting and seditious preaching, according to the mode of these impious hypocrites, who used to preface rebellion and murder with the appearance of religion. The illustrious sufferer was (as is before in Phelps's journal related) placed before the infamous tribunal; where their mercenary Solicitor Cooke opened the tragic scene thus, displaying his talents of impudence and treason.*

*Cooke:* May it please your Lordship, my Lord President, I did at the last Court, in the behalf of the commons of England, exhibit and give in to this Court a charge of high treason and other high crimes against the prisoner at the bar; whereof I do accuse him in the name of the people of England. And the charge was read unto him, and his answer required. My Lord, he was not pleased to give an answer; but instead of answering, did there dispute the authority of this High Court. My humble motion to this High Court, in the behalf of the kingdom of England, is, that the prisoner may be directed to make a positive answer, either by way of confession or negation; which, if he shall refuse to do, that then the matter of charge may be taken *pro confesso*, and the Court may proceed according to justice.

*Bradshaw:* Sir, you may remember, at the last court you were told the occasion of your being brought hither, and you heard a charge read against you, containing a charge of high treason and other high crimes against this realm of England. You have heard likewise that it was prayed in the behalf of the people that you should give an answer to that charge, that thereupon such proceedings might be had as should be agreeable to justice. You were then pleased to make some scruples concerning the authority of this Court, and knew not by what authority you were brought hither. You did divers times propound your questions, and were as often answered, that it was by authority of the Commons of England assembled in parliament, that did think fit to call you to account for those high and capital misdemeanors wherewith you were then charged.

Since that, the Court has taken into consideration what you then said: they are fully satisfied with their own authority, and they hold it fit you should stand satisfied with it too. And they do require it, that you do give a positive and particular answer to this charge that is exhibited against you. They do expect you should either confess or deny it: If you deny, it is offered in the behalf of

the kingdom, to be made good against you. Their authority they do avow to the whole world, that the whole kingdom are to rest satisfied in, and you are to rest satisfied with it. And therefore you are to lose no more time, but to give a positive answer thereunto.

*King:* When I was here last, 'tis very true, I made that question. And 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 this 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 anything that he calls his own. Therefore, when that I came here, I did expect particular reasons, to know by what law, what authority you did proceed against me here; and therefore I am a little to seek what to say to you in this particular, because the affirmative is to be proved, the negative often is very hard to do. But since I cannot persuade you to do it, I shall tell you my reasons as short as I can.

My reasons why in conscience and the duty I owe to God first and my people next, for the preservation of their lives, liberties and estates, I conceive I cannot answer this, till—

*Bradshaw:* Sir, I must interrupt you; which I would not do, but that what you do is not agreeable to the proceedings of any court of justice. You are about to enter into argument and dispute concerning the authority of this Court, before whom you appear as a prisoner and are charged as an high delinquent. If you take upon you to dispute the authority of the Court, we may not do it, nor will any court give way unto it. You are to submit unto it, you are to give a punctual and direct answer, whether you will answer your charge or no, and what your answer is.

*King:* Sir, by your favour, 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. But I must tell you, that by that reason that I have, as thus informed, I cannot yield unto it.

*Bradshaw:* Sir, I must interrupt you; you may not be permitted. You speak of law and reason; it is fit there should be law and reason; and there is both against you. Sir, the vote of the Commons of England assembled in parliament it is the reason of the kingdom; and they are these too that have given that



**demurrer:** A legal pleading that even if the alleged facts are true, there is no legal basis for a case at law.

law according to which you should have ruled and reigned. Sir, you are not to dispute our authority, you are told it again by the Court. Sir, it will be taken notice of that you stand in contempt of the Court, and your contempt will be recorded accordingly.

*King:* I do not know how a king can be a delinquent; but by any law that ever I heard of, all men (delinquents, or what you will) let me tell you, they may put in **demurrers** against any proceeding as legal. And I do demand that, and demand to be heard with my reasons: if you deny that, you deny reason.

*Bradshaw:* Sir, you have offered something to the Court; I shall speak something unto you the sense of the Court. Sir, neither you nor any man are permitted to dispute that point; you are concluded, you may not demur to the jurisdiction of the Court. If you do, I must let you know that they overrule your demurrer. They sit here by the authority of the commons of England, and all your predecessors and you are responsible to them.

*King:* I deny that; show me one precedent.

*Bradshaw:* Sir, you ought not to interrupt while the Court is speaking to you. This point is not to be debated by you, neither will the Court permit you to do it. If you offer it by way of demurrer to the jurisdiction of the Court, they have considered of their jurisdiction, they do affirm their own jurisdiction.

*King:* I say, Sir, by your favour, that the Commons of England was never a court of judicature. I would know how they came to be so.

*Bradshaw:* Sir, you are not to be permitted to go on in that speech and these discourses.

Then the clerk of the Court read, Charles Stuart, king of England, you have been accused on the behalf of the people of England of high treason and other high crimes; the Court have determined that you ought to answer the same.

*King:* I will answer the same so soon as I know by what authority you do this.

*Bradshaw:* If this be all that you will say, then, gentlemen, you that brought the prisoner hither, take charge of him back again.

*King:* I do require that I may give in my reasons why I do not answer; and give me time for that.

*Bradshaw:* Sir, 'tis not for prisoners to require.

*King:* Prisoners, Sir! I am not an ordinary prisoner.

*Bradshaw:* The Court has considered of their jurisdiction, and they have already affirmed their jurisdiction. If you will not answer, we will give order to record your default.

*King:* You never heard my reasons yet.

*Bradshaw:* Sir, your reasons are not to be heard against the highest jurisdiction.

*King:* Show me that jurisdiction where reason is not to be heard.

*Bradshaw:* Sir, we show it you here, the Commons of England: and the next time you are brought, you will know more of the pleasure of the Court and, it may be, their final determination.

*King:* Show me where ever the House of Commons was a court of judicature of that kind.

*Bradshaw:* Sergeant, take away the prisoner.

*King:* Well, Sir, remember that the king is not suffered to give in his reasons for the liberty and freedom of all his subjects.

*Bradshaw:* Sir, you are not to have liberty to use this language. How great a friend you have been to the laws and liberties of the people, let all England and the world judge.

*King:* Sir, under favour, 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.

*Bradshaw:* The command of the Court must be obeyed: no answer will be given to the charge.

*King:* Well, Sir.\*\*

Then Bradshaw ordered the default to be recorded and the contempt of the court, and that no answer would be given to the charge. The king was guarded forth to Sir Robert Cotton's house. The Court adjourned to the Painted Chamber on



Mr. Peters moves the Court as a messenger from the king, viz. That the king desires he might speak with his chaplains that came unto him privately; but the House of Commons having taken that into their consideration, the Court conceived it not proper for them to intermeddle therein.

The Court adjourned itself till nine o'clock tomorrow morning, to this place.

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\*  
\*\*[Nelson's interpolation, between these asterisks and the next, is again drawn primarily from Mabbott, but with Nelson's own additions in italics.]

*What passed in the Hall more at large than is related by Phelps in this day's transactions, see in the following discourse:*

*The king being brought in by the guard looks with a majestic countenance upon his pretended judges and sits down.*

*After the second O Yes, and silence commanded, Cooke began more insolently:*

*Cooke:* May it please your Lordship, My Lord President, this is now the third time, that, by the great grace and favour of this High Court, the prisoner has been brought to the bar, before any issue joined in the cause. My Lord, I did at the first Court exhibit a charge against him, containing the highest treason that ever was wrought upon the theatre of England, that a king of England, trusted to keep the law, that had taken an oath so to do, that had tribute paid him for that end, should be guilty of a wicked design to subvert and destroy our laws and introduce an arbitrary and tyrannical government in the defiance of the parliament and their authority, set up his standard for war against the parliament and people. And I did humbly pray, in the behalf of the people of England, that he might speedily be required to make an answer to the charge. But, my Lord, instead of making any answer, he did then dispute the authority of this High Court. Your Lordship was pleased to give him a further day to consider and to put in his answer; which day being yesterday, I did humbly move that he might be required to give a direct and positive answer, either by denying or confession of it. But, my Lord, he was then pleased for to demur to the jurisdiction of the Court, which the Court did then overrule, and command him to give a direct and positive answer.

My Lord, besides this great delay of justice, I shall now humbly move your Lordship for speedy judgment against him. My Lord, I might press your Lordship upon the whole, that according to the known rules of the law of the land, that, if a prisoner shall stand as contumacious in contempt and shall not put in an issuable plea, guilty or not guilty of the charge given against him, whereby he may come to a fair trial, that as by an implicit confession it may be taken *pro confesso*, as it has been done to those who have deserved more favour than the prisoner at the bar has done. But besides, my Lord, I shall humbly press your Lordship upon the whole fact. The House of Commons, the supreme authority

and jurisdiction of the kingdom, they have declared that it is notorious that the matter of the charge is true; as it is in truth, My Lord, as clear as crystal, and as the sun that shines at noon day: which, if your Lordship and the Court be not satisfied in, I have notwithstanding, on the people of England's behalf, several witnesses to produce. And therefore I do humbly pray (and yet I must confess, it is not so much I, as the innocent blood that has been shed, the cry whereof is very great for justice and judgment; and therefore I do humbly pray) that speedy judgment be pronounced against the prisoner at the bar.<sup>2</sup>

*Bradshaw went on in the same strain:* Sir, you have heard what is moved by the counsel on the behalf of the kingdom against you. Sir, you may well remember, and if you do not, the Court cannot forget what dilatory dealings the Court has found at your hands. You were pleased to propound some questions; you have had your resolution upon them. You were told over and over again that the Court did affirm their own jurisdiction; that it was not for you nor any other man to dispute the jurisdiction of the supreme and highest authority of England, from which there is no appeal, and touching which there must be no dispute. Yet you did persist in such carriage as you gave no manner of obedience, nor did you acknowledge any authority in them, nor the High Court that constituted this court of justice.

Sir, I must let you know from the Court, that they are very sensible of these delays of yours and that they ought not, being thus authorized by the supreme court of England, to be thus trifled withal; and that they might in justice, if they pleased, and according to the rules of justice, take advantage of these delays and proceed to pronounce judgment against you. Yet nevertheless they are pleased to give direction, and on their behalves I do require you, that you make a positive answer unto this charge that is against you. Sir, in plain terms (for justice knows no respect of persons) you are to give your positive and final answer in plain English, whether you be guilty or not guilty of these treasons laid to your charge.

The king, after a little pause, said, When I was here yesterday, I did desire to speak for the liberties of the people of England; I was interrupted. I desire to know yet whether I may speak freely or not.

*Bradshaw:* Sir, you have had the resolution of the Court upon the like question the last day. And you were told that having such a charge of so high a nature against you, your work was that you ought to acknowledge the jurisdiction of the Court and to answer to your charge. Sir, if you answer to your charge,

<sup>2</sup> Solicitor Cooke had prepared a substantial case for the prosecution that he was not able to use in court, as Charles refused to enter the plea needed for a trial to begin. Cooke did publish it, however, as *King Charles his Case* (London, 1649).



**not a rush:** A traditional expression meaning that something is of little value or significance.

which the Court gives you leave now to do, though they might have taken the advantage of your contempt; yet, if you be able to answer to your charge, when you have once answered, you shall be heard at large, make the best defence you can. But, Sir, I must let you know from the Court, as their commands, that you are not to be permitted to issue out into any other discourses till such time as you have given a positive answer concerning the matter that is charged upon you.

*King:* 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 know not how to do it. You spoke very well the first day that I came here on Saturday, of the obligations that I had laid upon me by God to the maintenance of the liberties of my people; the same obligation you spoke of, I do acknowledge to God, that I owe to Him and to my people, to defend as much as in me lies the ancient laws of the kingdom. Therefore until that I may know that this is not against the fundamental laws of the kingdom, by your favour, I can put in no particular answer. If you will give me time, I will show you my reasons why I cannot do it; and this—

Here being interrupted, he said, By your favour, you ought not to interrupt me. How I came here I know not. There's no law for it, to make your king your prisoner. I was in a treaty upon the public faith of the kingdom; that was the known—two Houses of Parliament, that was the representative of the Kingdom; and when that I had almost made an end of the treaty, then I was hurried away and brought hither; and therefore—

*Bradshaw:* Sir, you must know the pleasure of the Court.

*King:* By your favour, Sir.

*Bradshaw:* Nay, Sir, by your favour, you may not be permitted to fall into those discourses. You appear as a delinquent. You have not acknowledged the authority of the Court. The Court craves it not of you; but once more they command you to give your positive answer. Clerk, do your duty.

*King:* Duty, Sir!

The clerk reads: Charles Stuart, king of England, you are accused, in the behalf of the Commons of England, of divers high crimes and treasons; which charge has been read unto you. The Court now requires you to give your positive and final answer by way of confession or denial of the charge.

*King:* Sir, I say again to you, so that I might give satisfaction to the people of England, of the clearness of my proceeding, not by way of answer, not in this way, but to satisfy them, that I have done nothing against that trust that has been committed to me, I would do it; but to acknowledge a new court against their privileges, to alter the fundamental laws of the kingdom, Sir, you must excuse me.

*Bradshaw:* Sir, this is the third time that you have publicly disowned this Court and put an affront upon it. How far you have preserved the privileges of the people, your actions have spoken it. But truly, Sir, men's intentions ought to be known by their actions: You have written your meaning in bloody characters throughout the whole kingdom. But, Sir, you understand the pleasure of the Court.

*Clerk:* Record the default. And, gentlemen, you that took charge of the prisoner, take him back again.

*King:* I will only say this one word more to you: if it were only my own particular, I would not say any more, nor interrupt you.

*Bradshaw:* Sir, you have heard the pleasure of the Court and you are (notwithstanding you will not understand it) to find that you are before a court of justice.

Then the King went forth with the guard. And proclamation was made, that all persons which had then appeared and had further to do at the Court might depart into the Painted Chamber, to which place the Court did forthwith adjourn, and intended to meet at Westminster Hall by ten o'clock next morning.

*Cryer:* God bless the kingdom of England!\*\*

*Wednesday, January 24*

Painted Chamber. Three proclamations made. The Court took into consideration the manner how the witnesses should be examined; and in regard the king has not pleaded to issue, and that this examination was *ex abundanti*, only for the further satisfaction of themselves, resolved that the witnesses shall be examined to the charge against the king in the Painted Chamber, before the Court there. Ordered, That Mr. Millington and Mr. Thomas Challoner do forthwith repair unto John Brown, esq., clerk of the House of Peers for such papers as are in his custody, which are conducive for the business and service of this Court, and the said Mr. Brown is required to send the said papers hither accordingly.

*ex abundanti:* Out of abundance or more than necessary; often seen as "ex abundanti cautela," meaning from an abundance or excess of caution.



Now therefore upon serious and mature deliberation of the premises, and consideration had of the notoriety of the matters of fact charged upon him as aforesaid, this Court is in judgment and conscience satisfied that he the said Charles Stuart is guilty of levying war against the said parliament and people and maintaining and continuing the same. For which in the said charge he stands accused, and by the general course of his government, counsels, and practices before and since this parliament began (which have been, and are notorious and public, and the effects whereof remain abundantly upon record) this Court is fully satisfied in their judgments and consciences, that he has been and is guilty of the wicked designs and endeavours in the said charge set forth, and that the said war has been levied, maintained, and continued by him as aforesaid, in prosecution and for accomplishment of the said designs; and that he has been and is the occasioner, author, and continuer of the said unnatural, cruel, and bloody wars, and therein guilty of high treason and of the murders, rapines, burnings, spoils, desolations, damage, and mischief to this nation, acted and committed in the said war and occasioned thereby. For all which treasons and crimes, this Court does 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 of his head from his body.

This sentence being read, the President spoke as follows: The sentence now read and published is the act, sentence, judgment, and resolution of the whole Court.

Whereupon the whole Court stood up and owned it.

The prisoner being withdrawn, the Court adjourned itself forthwith into the Painted Chamber. The Court being sat in the Painted Chamber, according to adjournment from Westminster Hall aforesaid; Sir Hardress Waller, Col. Harrison, Commissary Gen. Ireton, Col. Deane, and Col. Okey are appointed to consider of the time and place for the execution of the sentence against the king. And then the Court adjourned itself till Monday morning at eight o'clock to this place.

27.1.79

••[Nelson's inserted text from Mabbott is between the asterisks, with his own edits in italics.]

*The more full account of this day's action, take as follows:*

*The king being come in in his wonted posture, with his hat on, some of the soldiers began to call for justice, justice, and execution. But silence being commanded, His Majesty began: I desire a word, to be heard a little; and I hope I shall give no occasion of interruption.*

*Bradshaw saucily answered, You may answer in your time; hear the Court first.*

*His Majesty patiently replied, If it please you, Sir, I desire to be heard; and I shall not give any occasion of interruption; and it is only in a word. A sudden judgment—*

*Bradshaw: Sir, you shall be heard in due time; but you are to hear the Court first.*

*King: Sir, I desire it; it will be in order to what I believe the Court will say: and therefore, Sir, a hasty judgment is not so soon recalled.*

*Bradshaw: Sir, you shall be heard before the judgment be given; and in the meantime you may forbear.*

*King: Well, Sir, Shall I be heard before the judgment be given?*

*Bradshaw: Gentlemen, it is well known to all or most of you here present, that the prisoner at the bar has been several times convented and brought before this Court to make answer to a charge of treason and other high crimes exhibited against him in the name of the people of England. To which charge being required to answer, he has been so far from obeying the commands of the Court, by submitting to their justice, as he began to take upon him to offer reasoning and debate unto the authority of the Court, and to the highest court, that appointed them to try and judge him. But being overruled in that and required to make his answer, he was still pleased to continue contumacious and to refuse to submit to answer.*

Hereupon the Court, that they might not be wanting to themselves nor the trust reposed in them, nor that any man's wilfulness prevent justice, they have thought fit to take the matter into their consideration. They have considered of the charge, they have considered of the contumacy, and of that confession which in law does arise upon that contumacy; they have likewise considered of the notoriety of the fact charged upon this prisoner. And upon the whole matter they are resolved, and are agreed upon a sentence to be pronounced against this prisoner. But in respect he does desire to be heard before the sentence be read and pronounced, the Court has resolved that they will hear him.

Yet, Sir, thus much I must tell you beforehand, which you have been minded of at other courts, that if that which you have to say, be to offer any debate concerning the jurisdiction, you are not to be heard in it. You have offered it formerly, and you have struck at the root, that is, the power and supreme authority of the Commons of England; which this Court will not admit a debate of, and which indeed it is an irrational thing in them to do, being a Court that acts upon authority derived from them. But, Sir, if you have anything to say in defence of yourself concerning the matter charged, the Court has given me in command to let you know they will hear you.



*King:* Since I see that you will not hear anything of debate concerning that which I confess I thought most material for the peace of the kingdom and for the liberty of the subject, I shall waive it; I shall speak nothing to it. But only I must tell you, that this many-a-day all things have been taken away from me, but that which I call dearer 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 myself; for by that at leastwise I might have delayed an ugly sentence, which I believe will pass upon me. Therefore certainly, Sir, as a man that has some understanding, some knowledge of the world, if that my true zeal to my country had not overborn the care that I have for my own preservation, I should have gone another way to work than that I have done. Now, Sir, I conceive that a hasty sentence once past 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 last desire that I having something to say that concerns both, before sentence be given, that I may be heard in the Painted Chamber before the Lords and Commons. This delay cannot be prejudicial unto you, whatsoever I say. If that I say no reason, those that hear me must be judges; I cannot be judge of that that I have. If it be reason, and really for the welfare of the kingdom and the liberty of the subject, I am sure on it, it is very well worth the hearing. Therefore I do conjure you, as you love that that you pretend (I hope it is real), the liberty of the subject, the peace of the kingdom, that you will grant me this hearing before any sentence be past. I only desire this, that you will take this into your consideration; it may be you have not heard of it beforehand. If you will, I will retire, and you may think of it: but 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.

*Bradshaw:* Sir, you have now spoken.

*King:* Yes, Sir.

*Bradshaw:* And this that you have said, is a further declining of the jurisdiction of this Court, which was the thing wherein you were limited before.

*King:* Pray excuse me, Sir, for my interruption, because you mistake me. It is not a declining of it; you do judge me before you hear me speak. I say it will not, I do not decline it; though I cannot acknowledge the jurisdiction of the Court, yet, Sir, in this, give me leave to say, I would do it, though I did not acknowledge it. In this I do protest, it is not the declining of it, since, I say, if that I do say anything but that that is for the peace of the kingdom, and the liberty of the

subject, then the shame is mine. Now I desire that you will take this into your consideration: if you will, I will withdraw.

*Bradshaw:* Sir, this is not altogether new that you have moved to us, not altogether new to us, though the first time in person you have offered it to the Court. Sir, you say you do not decline the jurisdiction of the Court.

*King:* Not in this that I have said.

*Bradshaw:* I understand you well, Sir; but nevertheless, that which you have offered seems to be contrary to that saying of yours; for the Court are ready to give a sentence. It is not as you say, that they will not hear their king; for they have been ready to hear you; they have patiently waited your pleasure for three courts together, to hear what you would say to the people's charge against you. To which you have not vouchsafed to give any answer at all. Sir, this tends to a further delay. Truly, Sir, such delays as these, neither may the kingdom nor justice well bear. You have had three several days to have offered in this kind what you would have pleased. This Court is founded upon that authority of the commons of England, in whom rests the supreme jurisdiction. That which you now tender, is to have another jurisdiction and a co-ordinate jurisdiction. I know very well you express yourself, Sir, that notwithstanding that you would offer to the Lords and Commons in the Painted Chamber, yet nevertheless you would proceed on here; I did hear you say so. But, Sir, that you would offer there, whatever it is, must needs be in delay of the justice here. So as if this Court be resolved and prepared for the sentence, this that you offer they are not bound to grant. But, Sir, according to that you seem to desire, and because you shall know the further pleasure of the Court upon that which you have moved, the Court will withdraw for a time.

*This he did to prevent the disturbance of their scene by one of their own members, Col. John Downes, who could not stifle the reluctance of his conscience when he saw His Majesty press so earnestly for a short hearing; but declaring himself unsatisfied, forced them to yield to the king's request.*

*King:* Shall I withdraw?

*Bradshaw:* Sir, you shall know the pleasure of the Court presently.

The Court withdraws for half an hour into the Court of Wards. The Court gives command that the prisoner be withdrawn; and they give order for his return again. *Then withdrawing into the chamber of the Court of Wards, their business was not to consider of His Majesty's desire but to chide Downes, and with reproaches and*



*threats to harden him to go through the remainder of their villainy with them. Which done, they return; and being sat,* Bradshaw commanded, Sergeant at Arms, send for your prisoner. Who being come, Bradshaw proceeded.

Sir, you were pleased to make a motion here to the Court, to offer a desire of yours touching the propounding of somewhat to the Lords and Commons in the Painted Chamber, for the peace of the Kingdom. Sir, you did in effect receive an answer before the Court adjourned: Truly, Sir, their withdrawing and adjournment was *pro forma tantum* [a formality]; for it did not seem to them that there was any difficulty in the thing. They have considered of what you have moved and have considered of their own authority, which is founded, as has been often said, upon the supreme authority of the Commons of England assembled in parliament. The Court acts accordingly to their commission. Sir, the return I have to you from the Court is this, that they have been too much delayed by you already, and this that you now offer has occasioned some little further delay; and they are judges appointed by the highest authority, and judges are no more to delay than they are to deny justice. They are good words in the Great Old Charter of England, *Nulli negabimus, nulli vendemus, nulli deferemus justitiam* [To no one will we deny, sell, or delay justice (Magna Carta)]. There must be no delay. But the truth is, Sir, and so every man here observes it, that you have much delayed them in your contempt and default, for which they might long since have proceeded to judgment against you; and notwithstanding what you have offered, they are resolved to proceed to sentence and to judgment, and that is their unanimous resolution.

*King:* Sir, I know it is in vain for me to dispute; I am no sceptic for to deny the power that you have; I know that you have power enough. Sir, I must confess, I think it would have been for the kingdom's peace, if you would have taken the pains to have shown the lawfulness of your power. For this delay that I have desired, I confess it is a delay; but it is a delay very important for the peace of the kingdom. For it is not my person that I look at alone, it is the kingdom's welfare and the kingdom's peace.

It is an old sentence, that we should think on long before we resolve of great matters suddenly. Therefore, Sir, I do say again, that I do put at your doors all the inconveniency of a hasty sentence. I confess I have been here now, I think, this week, this day eight days was the day I came here first; but a little delay of a day or two further may give peace, whereas a hasty judgment may bring on that trouble and perpetual inconveniency to the kingdom that the child that is unborn may repent it. And therefore again, out of the duty I owe to God and to my country, I do desire that I may be heard by the Lords and Commons in the Painted Chamber, or any other Chamber that you will appoint me.

*Bradshaw:* You have been already answered to what you even now moved, being the same you moved before, since the resolution and the judgment of the Court in it. And the Court now requires to know whether you have any more to say for yourself than you have said, before they proceed to sentence.

*King:* I say this, Sir, that if you hear me, if you will give me but this delay, I doubt not but I shall give some satisfaction to you all here, and to my people after that. And therefore I do require you, as you will answer it at the dreadful day of judgment, that you will consider it once again.

*Bradshaw:* Sir, I have received direction from the Court.

*King:* Well, Sir.

*Bradshaw:* If this must be reinforced, or anything of this nature, your answer must be the same; and they will proceed to sentence, if you have nothing more to say.

*King:* I have nothing more to say; but I shall desire that this may be entered what I have said.

*Bradshaw:* The Court then, Sir, has something to say unto you, which although I know it will be very unacceptable, yet notwithstanding they are willing and are resolved to discharge their duty.

*Then Bradshaw went on in a long harangue, endeavouring to justify their proceedings, misapplying law and history and raking up and wresting whatsoever he thought fit for his purpose, alleging the examples of former treasons and rebellions, both at home and abroad, as authentic proofs; and concluding that the king was a tyrant, traitor, murderer, and public enemy to the Commonwealth of England.<sup>3</sup> His Majesty having with his wonted patience heard all these reproaches, answered,* I would desire only one word before you give sentence, and that is, that you would hear me concerning those great imputations that you have laid to my charge.

*Bradshaw:* Sir, you must give me now leave to go on; for I am not far from your sentence, and your time is now past.

*King:* But I shall desire you will hear me a few words to you; for, truly, whatever sentence you will put upon me, in respect of those heavy imputations that I see by your speech you have put upon me. Sir, it is very true that—

<sup>3</sup> This passage is Nelson's brief summary and dismissal of Mabbott's account of a set-piece speech by Bradshaw; it is included here on p. 79.



*Bradshaw:* Sir, I must put you in mind: truly, Sir, I would not willingly, at this time especially, interrupt you in anything you have to say that is proper for us to admit of. But, Sir, you have not owned us as a Court, and you look upon us as a sort of people met together, and we know what language we receive from your party.

*King:* I know nothing of that.

*Bradshaw:* You disavow us as a Court, and therefore for you to address yourself to us, not to acknowledge us as a Court to judge of what you say, it is not to be permitted. And the truth is, all along from the first time you were pleased to disavow and disown us, the Court needed not to have heard you one word. For unless they be acknowledged a Court, and engaged, it is not proper for you to speak. Sir, we have given you too much liberty already, and admitted of too much delay, and we may not admit of any further. Were it proper for us to do, we should hear you freely, and we should not have declined to have heard you at large, what you could have said or proved on your behalf, whether for totally excusing, or for in part excusing those great and heinous charges that in whole or in part are laid upon you. But, Sir, I shall trouble you no longer; your sins are of so large a dimension, that if you do but seriously think of them, they will drive you to a sad consideration, and they may improve in you a sad and serious repentance. And that the Court doth heartily wish that you may be so penitent for what you have done amiss, that God may have mercy at least wise upon your better part. Truly, Sir, for the other, it is our parts and duties to do that that the law prescribes. We are not here *Jus dare*, but *Jus dicere*. [We are not here to create the law, but to declare it.] We cannot be unmindful of what the Scripture tells us; for to acquit the guilty is of equal abomination as to condemn the innocent. We may not acquit the guilty. What sentence the law affirms to a traitor, [a] tyrant, a murderer, and a public enemy to the country, that sentence you are now to hear read unto you; and that is the sentence of the Court.

Make an O Yes, and command silence while the sentence is read. Which done, their clerk, Broughton, read the sentence, drawn up in parchment.

Whereas the Commons of England in parliament, had appointed them an High Court of Justice for the trial of Charles Stuart, king of England, before whom he had been three times convented, and at the first time a charge of high treason, and other crimes and misdemeanours, was read in the behalf of the kingdom of England. (Here the charge was repeated.) Which charge being read unto him as aforesaid, he the said Charles Stuart was required to give his answer; but he refused so to do. (Expressing the several passages of his refusing in the former Proceedings.)

For all which treasons and crimes, this Court does adjudge, that he the said Charles Stuart as a tyrant, traitor, murderer, and a public enemy, shall be put to death by the severing of his head from his body. Which being read, Bradshaw added, The sentence now read and published is the act, sentence, judgment, and resolution of the whole Court. To which they all expressed their assent by standing up, as was before agreed and ordered.

His Majesty then said, Will you hear me a word, Sir?

*Bradshaw:* Sir, You are not to be heard after the sentence.

*King:* No, Sir?

*Bradshaw:* No, Sir; by your favour, Sir. Guard, withdraw your prisoner.

*King:* I may speak after sentence, by your favour, Sir, I may speak after sentence, ever.

By your favour, hold: the sentence, Sir,—I say, Sir, I do—I am not suffered to speak; expect what justice other people will have.

*His Majesty being taken away by the guard, as he passed down the stairs, the insolent soldiers scoffed at him, casting the smoke of their tobacco (a thing very distasteful unto him) in his face and throwing their pipes in his way. And one more insolent than the rest, spitting in his face, his Majesty, according to his wonted heroic patience, took no more notice of so strange and barbarous an indignity, than to wipe it off with his handkerchief. As he passed along, hearing the rabble of soldiers, crying out, Justice, Justice; he said, Poor Souls, for a piece of money they would do so for their commanders.*

*Being brought first to Sir Robert Cotton's, and thence to Whitehall, the soldiers continued their brutish carriage toward him, abusing all that seemed to show any respect or even pity to him; not suffering him to rest in his chamber, but thrusting in and smoking their tobacco, and disturbing his privacy. But through all these trials (unusual to princes) he passed with such a calm and even temper, that he let fall nothing unbecoming his former majesty and magnanimity.*

*In the evening, a member of the army acquainted the committee with his majesty's desire, that seeing they had passed a sentence of death upon him and his time might be nigh, he might see his children and [that] Doctor Juxon, Bishop of London, might be admitted to assist him in his private devotions and receiving the sacrament. Both which at length were granted.*

*And the next day, being Sunday, he was attended by the Guard to St. James's, where the bishop preached upon these words, "In the day when God shall judge the secrets of all men by Jesus Christ according to my Gospel."*