

CHARLES I (r. 1625-1649)

The trial and execution of Charles I

In January 1649, Parliament established a High Court of Justice, under the presidency of John Bradshaw. On 20 January, the trial of Charles I began in Westminster Hall before some 70 Commissioners; it lasted until 27 January.

Charles was accused of devising 'a wicked design to erect and uphold in himself an unlimited and tyrannical power to rule according to his Will, and to overthrow the Rights and Liberties of the People'. In carrying out this strategy, he had 'traitorously and maliciously levied war against the present Parliament and the people therein represented', and renewed the war after his defeat with the sole objective of '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'. On behalf of the people of England, the King was impeached 'as a Tyrant, Traitor, Murderer, and a public and implacable Enemy to the Commonwealth of England'.

The following extracts are from contemporary accounts of the trial. Those present noticed that Charles, who had never been a good speaker throughout his life as he had a speech impediment, spoke fluently, strongly and clearly almost throughout his trial.

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

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

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

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

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

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

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

Bradshaw refused to call a meeting of Lords and Commons to hear what the King had to say and the Court proceeded to sentence. Bradshaw's address to the prisoner made an important point: 'there is a contract and a bargain made between the King and his people, and your oath is taken: and certainly, Sir, the bond is reciprocal; for as you are the liege lord, so they liege subjects ... This we know now, the one tie, the one bond, is the bond of protection that is due from the sovereign; the other is the bond of subjection that is due from the subject. Sir, if this bond be once broken, farewell sovereignty! ... These things may not be denied, Sir ... Whether you have been, as by your office you ought to be, a protector of England, or the destroyer of England, let all England judge, or all the world, that hath look'd upon it ... You disavow us as a Court;

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and therefore for you to address yourself to us, not acknowledging 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.'

The Clerk to the Court concluded with the sentence 'this Court doth adjudge that he the said Charles Stuart, as a Tyrant, Traitor, Murderer and Public Enemy to the good people of this Nation, shall be put to death, by the severing his head from his body'. Bradshaw refused to allow the King to speak in Court after sentence (as a prisoner condemned was already dead in law), and the King was led away still protesting:

I am not suffered to speak; expect what justice other people will have.

Fifty-eight Commissioners signed the King's death warrant; nine others who were present when the King was sentenced refused to sign. John Downes, a Commissioner who argued in vain that Parliament should have been called to hear the King's final offer of negotiation, and who withdrew from the Court before sentence was passed, was later to recall: 'I did my best, I could do no more. I was single, I was alone; only I ought not to have been there at all'.

On 30 January 1649, Charles I was beheaded with an axe on a scaffold outside the Banqueting House in Whitehall.