

T H E

H I S T O R Y

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E N G L A N D.

R E P U B L I C.

C H A P I.

The house of Commons abolish monarchy, with the legislative power of the Lords, and establish a Republic.—Trial and execution of the Duke of Hamilton, with other leaders of the Royalist faction.—Discontent and revolt of the Levellers.—Reduction of that party.—Affairs of Ireland.—Death and character of Ireton.—Continuation of the affairs of Ireland, to the total reduction and new settlement of that country.

N O sooner was the throne vacated by the execution of the sentence of death on the person of Charles, than the Commons, according to the example of the Romans after the expulsion of their regal tyrants, passed an act prohibiting the proclaiming any individual to be King of the English empire. The royal arms were taken down

Ann. 1648.
The house of Commons abolish monarchy,

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HISTORY OF ENGLAND.

Ann. 1648. from all public offices and courts*; the royal titles erased out of public writings †; the oaths of allegiance and supremacy abolished; a new great seal was created ‡, bearing the inscription, “ The great seal of England;” the impression on the national coin was altered from its monarchical style to the English arms, bearing the inscription, “ The commonwealth of England §; and that there might remain no objects to excite an ambition which might prove dangerous to the liberty of the republic, not only the crown-lands and fee-farm-rents were put up to sale, but also the regalia, the rich furniture in the royal palaces, and all the expensive magnificence of monarchy.

with the legislative power of the Lords, and establish a Republic.

THE Lords, who through the whole month of January had continued to meet and exercise their judicial capacity, without having taken any notice of the acts of power exerted by the single authority of the Com-

* At this time the King's statue in the Exchange was thrown down, and on the pedestal was inscribed, “ In the first year of Freedom, by God's blessing restored.”

† Three days preceding the execution the Commons had altered the old style of the proceedings in the courts of justice to, *Custodes Libertatis Angliæ, Authoritate Parliamenti*.

‡ The arms of England were engraven on one side, and on the reverse the portraiture of the house of Commons, circumscribed, “ In the first year of Freedom, by God's blessing restored, 1648.” The commissioners appointed the keepers of the great seal were, Whitlock, Keeble, and Lisle. They were styled the Keepers of the Liberties of England.

§ On the reverse, the cross and harp, with the motto, “ God with us.”

mons,

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mons, after the King's execution made an unsuccessful Ann. 1648. attempt to preserve to their order a share in the new legislature. On the second of February, in a meeting to which the judges and all the peers residing in the capital had been summoned, a message was sent to the Commons, That the Lords had appointed nine of their body to join with a proportionable number of the lower house, to consider of the settlement of the government of England and Ireland. The spirit of democracy ran at this time too high among the Commons to suffer any copartnership with men invested with particular distinctions. Three successive days the Lords' messengers returned without even gaining admittance. On the fourth application the Commons took the matter into consideration, passed a negative (by a majority of forty-four against twenty-nine) on the question, Whether they should take the advice of the house of Peers in the exercise of the legislative power; and resolved, without division, That that assembly was useless, dangerous, and ought to be abolished. To this resolution immediately succeeded the following: "It has been found by experience, and this house does declare, That the office of a King in this nation, and to have the power thereof in any single person, is unnecessary, burthenfome, and dangerous to the liberty, safety, and public interest of the people of this nation, and therefore ought to be abolished." Two acts were passed to the purport of these resolutions *;

* The act which abolished the upper house retained to its members an entire copartnership of privilege with the rest of their fellow-citizens; peers and their children being rendered capable to elect or be elected as knights or burgessees.

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Ann. 1648. and the Commons, taking both the legislative and the executive powers of government into their own hands, altered their style from that of the house of Commons to the Parliament of the commonwealth of England, and erected a council of state, to act and proceed according to the instructions they should from time to time give them* The council of state was composed of thirty-nine persons †, and the Commons, who now possessed the supreme authority of the nation without copartnership, of no more than ninety; a paucity of number which subjected them to much scurrilous animadversion and witticism from the adversary ‡.

* The whole executive power of government was, by the instructions of the Commons, committed to the council of state, who were entrusted with such authority for the space of one year.

† The earls of Denbigh, Mulgrave, Pembroke, Salisbury, lords Grey, Fairfax, Lisle, lord Grey of Groby, Rolles, St. John, Wilde, Bradshaw, Cromwell, Skippon, Pickering, Massam, Haselrig, Harrington, Vane junior, Danvers, Armine, Mildmay, Constable, Pennington, Wilfon, Whitlock, Martin, Ludlow, Stapleton, Hevingham, Wallop, Hutchinson, Bond, Popham, Valentine, Walton, Scot, Purefoy, Jones.

‡ The parliament made an order, that such of the secluded members as would enter their dissent against the vote, That the King's concessions were a ground for settling the peace of the nation, should have liberty to resume their seats as senators. Seven of the secluded members, the least noxious to the governing powers, on compliance with the abovementioned order, received the benefit of this permission. Writs to places where the parliament hoped the republican interest would prevail were issued. The earl of Salisbury, for the town of Lynn in Norfolk, and the Lord Howard of Escricke, for the city of Carlisle, were the only peers who took the advantage which the law allowed for their election into the representative body.

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THREE leaders of the King's party in the last civil war fell a sacrifice to the safety of the infant republic: These were, the duke of Hamilton, the earl of Holland, and the lord Capel †, who, in a sentence of death passed on them by a second high court of justice, received the punishment due to a vicious ambition, which had preferred the interests of a few individuals to the peace, the happiness, and the glory of society ‡. The duke of Hamilton, a weak unsteady man, whose conduct had continually fluctuated from the courtier to the patriot, and from the patriot to the courtier *,

Ann. 1648.

Trial and execution of the duke of Hamilton, with other Royalists.

† The Presbyterian parliament had had such a tenderness for these criminals, that they had only voted them to banishment, and fined the duke of Hamilton one hundred thousand pounds. Hamilton said on his trial, That the Scots had had stronger invitations from this party to make this invasion than to make the other two against the tyranny of Charles's government.

‡ A similar sentence, by the same court of justice, had passed on the earl of Norwich and Sir John Owen; but they obtained a pardon. On sentence being passed on Sir John Owen, the thick-skulled Welchman made a low reverence, and told the court, It was a great honor to a poor gentleman of Wales to lose his life with such noble lords. Owen was prevented from receiving this mark of distinction by the generosity of Ireton, who reminded the Parliament, that there had been great endeavors used to save all the lords, but there was one commoner for whom no man had spoken a word; he therefore desired he might be saved by the mere motive and goodness of the house.

Langhorn, Powell, and Poyer were, by a court-martial, condemned to cast lots for their lives. Poyer drew the lot of death, and was accordingly shot.

* By the duke of Hamilton's conduct, in keeping clear of any connection with the English parliament after he had entered England with an army, it is plain that he meant to restore the King without terms. *Rapin*, vol. XII. p. 492, & seq. p. 518, & seq.

died

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Ann. 1648. died unregretted by either party; the earl of Holland, who had added treachery to inconstancy, despised by both parties †; but the lord Capel, though once distinguished as a friend to Liberty, yet as a title had immutably fixed him to the interests of the crown, in high renown with the cavaliers, who, mistaking insolence for magnanimity, superstition for religion, and an obstinate adherence to particular interests for patriotism, have handed him down to posterity adorned with all the epithets of heroism *.

Ann. 1649.
Discontent
and revolt of
the Levellers.

It was not the formidable factions of Cavalier and Presbyterian alone whose enmity the English Parliament had at this time to dread. The truest friends to Liberty of their own party were disgusted with the oligarchical form into which they had modelled the government, and the undivided authority they had assumed to

† It was the jealousy which commonly subsists among the servants of Kings which had at first occasioned the earl of Holland to oppose the royal interest; but finding that the same talents which make a great figure in a court are not of the exalted kind to entitle a man to lead in a popular government, he grew more jealous of the prevailing powers, and entered into those measures for the King's restoration which brought himself to the block, in an advanced age and in a declining state of health.

* The duke of Hamilton, at his trial, had pleaded independance on the English laws: He was told, that his having accepted an English title, and taken a seat in the English parliament, had rendered him a citizen of England, and subject to its laws. With as little success the lord Capel had urged a promise of life from the lord Fairfax, that general declaring, that, as commander in chief, he had promised the prisoner an exemption from military justice, but without intention that it should exempt him from the justice of the civil authority. *State Trials*, vol. I. p. 565, & seq.

themselves.

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themselves. A petition, with articles for the settlement Ann. 1649. of the nation on a new plan, had been sent up to the Commons from the general, lord Fairfax, and the council of officers, immediately after that assembly had determined to proceed against the King's life. They demanded, the sovereign authority to be lodged in a representative assembly, composed of four hundred persons, biennially elected by counties, cities, and boroughs, more equally proportioned with electors than the present distribution; that all the natives or denizens of England, being not persons who received alms, or servants receiving wages, should have the privilege of an elective voice; and that no member of a council of state, nor any officer of any salary forces in the army or garrisons, nor any treasurer or receiver of public money, should, while such, be capable of election in the representative. Parl. Hist. vol. XVII

THESE, with some proper limitations of the sovereign power, cautions against the King's party having voices in the election of the first and second representative, and proposals relative to the establishment of religious liberty, were the heads of the petition sent up by the army to the Commons. It was styled, "The Agreement of the People;" and was to the same purport as a former agreement of the party called Levellers. The Parliament were not only silent concerning any intention of dissolving their body (though their power, according to the propositions of the army, was to have terminated on the last day of April 1649), but treated with a high tone of authority those of the party who ventured to shew discontent at

Ann, 1649 at their proceedings *. A conduct so ill suited to the independant spirit of the Levellers, provoked them to

* One Lockier suffered death; and for a petition in which the party had demanded reformation in point of lawful toleration, in point of religion, the equal administration of law to persons of all conditions, the abolishment of tythes, and other articles of the same nature, the petitioners (being troopers) were tried by a court-martial, and on several of them was inflicted the punishment of riding the wooden horse. This severity was so far from intimidating the party, that a petition, in which they complained of the arbitrary influence of three or four military grandees over the supreme authority of the nation; and in which they demanded that the government should cease an illegal prosecution they had commenced against Lilbourn and three other leaders of the party, for a pamphlet they had published, called England's Second Chains, was signed by ten thousand persons, and seconded by a female petition of the same tendency. These movements of the party not having the effect to intimidate the government into milder or juster measures, Lilbourn and his three associates, though under confinement, had the courage to print a narrative of all that passed between them and the council of state, with a new model of government, entitled, An Agreement of the free People of England. It was a better model than any which had been yet offered to the public; and as it directs the reformation of all the grievances which the people of England then labored under, and which to this very day they do with equal weight sustain, I shall give abstracts of the most important articles. Parliaments were to be annual, instead of biennial, and the members not capable of re-election till after the intervention of one representative. The executive powers of government, during the adjournments of Parliament, were to be exercised by committees of Parliament, instead of a council of state. The exercise of the supreme power, with the limitations established by the Petition of Right, was to be bound in all religious matters, touching the rights of conscience. They were not empowered to impress or constrain any person to military service, either by sea or land; "Every man's conscience, says the Agreement, being to be satisfied in the justness of that cause wherein he hazards his own life, or may destroy another's." They were not empowered to give judgment on person or estate, in any case where
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assemble at Burford, to the number of five thousand; *Ann. 1649.*
but though this body were for the most part foldiers

the laws were silent, or to punish any person for refusing to answer questions against himself in criminal cases. They were not empowered to continue or make any law to prevent any person or persons from trading in foreign states. They were not empowered to continue excise or customs upon any sort of food, wares, or commodities longer than four months after the beginning of the first representative; "Being both of them, says the Agreement, burthensome and oppressive on trade, and expensive in the receipt." They were not empowered to make or continue any law whereby the real and personal estate of any subject should be exempted from the payment of their debts, or to imprison the person of any man for debt; "It being, says the Agreement, both unchristian in itself, and no advantage to the creditors." They were not empowered to continue or make any law for taking away the life of the subject, except for the crime of murder, for heinous offences destructive to human society, or for endeavoring by force to destroy the Agreement. In capital offences, recompence was to be made to the party damnified, as well out of the estate of the malefactor as by loss of life. They were not empowered to impose ministers on the people, but to give free liberty to the parishioners of every parish to choose such as themselves should approve, provided none to be chosen but such as were capable of electing representatives. They were not empowered to impose any public officer upon any counties, hundreds, cities, towns, or boroughs; but those subjects who were capable of electing representatives were to choose all their public officers yearly. They were not empowered to continue or constitute any proceedings in law longer than six months to the final determination of any cause. The laws and proceedings in law were to be in no other language than English; nor was any person to be hindered from pleading his own cause, or the making use of whom he pleased to plead for him. No persons were to be exempted from the ordinary course of legal proceedings by virtue of any tenure, grant, charter, patent, degree, or birth, of any place of residence, refuge, or privilege of parliament; and to demonstrate beyond contradiction, that the party were not tainted with any principles of levelling but those which support the rights of Nature and equal government, the Agreement concludes with an in-

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junction,

Ann. 1649. and veterans, yet, deceived by a promise from Crom-
Reduction of well of a delay of hostilities, they were unexpectedly
that party attacked by a superior number of troops, under the
command of Reynolds, and entirely defeated *

Affairs of Ireland. AN opposition which at first appeared formidable thus
suddenly crushed, procured to the new government a
reputation and stability which enabled them to give a
serious and effectual attention towards composing the
distracted situation of the public affairs in Ireland. No
Clarendon, sooner had the city of Dublin been delivered up to the
Borlase. Parliament's commissioners, than the Popish faction
Warner. began to repent a perverseness of conduct which had
Carte. occasioned such an additional strength to the enemy.
Thurloe's State-Papers. A considerable victory obtained by Jones over Preston,
and another over the lord Taaffe by Inchiquin, in
Munster, so dispirited the nobility and gentry of the
Pale, that they offered their submission to Jones, pro-
vided they might have the benefit of the late peace.
These terms of submission were refused by Jones with
as much disdain as they had before been rejected by
the Irish when courted to accept them from the King;
a circumstance which, with the apprehensions of the

junction, That it should not be in the power of the representative to
level mens estates, destroy property, or make all things common.
Divers citizens of London, and the inhabitants of the county of
Essex, presented two ineffectual petitions to Parliament, in favor of
the authors of this Agreement. *Parl. Hist.* vol. XIX. p. 49, & seq.
p. 110, & seq.

* The insurrection of the Levellers was regarded in so formidable
a light by the Parliament, that Fairfax and Cromwell were both at
the head of the party which was sent against them.

English-