

all things the House of Commons, and who expected no supply from them on any reasonable terms, thought, that in his present distresses, he might be enabled to levy supplies by the authority of the peers alone. But the employing so long the plea of a necessity which appeared distant and doubtful, rendered it impossible for him to avail himself of a necessity which was now at last become real, urgent, and inevitable.

By Northumberland's sickness, the command of the army had devolved on Strafford. This nobleman possessed more vigour of mind than the king or any of the council. He advised Charles rather to put all to hazard, than submit to such unworthy terms as were likely to be imposed upon him. The loss sustained at Newburn, he said, was inconsiderable; and though a panic had for a time seized the army, that event was nothing strange among new levied troops; and the Scots being in the same condition, would, no doubt, be liable, in their turn, to a like accident. His opinion therefore was, that the king should push forward, and attack the Scots, and bring the affair to a quick decision; and if he were ever so unsuccessful, nothing worse could befall him, than what, from his inactivity, he would certainly be exposed to.<sup>h</sup> To show how easy it would be to execute this project, he ordered an assault to be made on some quarters of the Scots, and he gained an advantage over them. No cessation of arms had as yet been agreed to during the treaty at Rippon; yet great clamour prevailed, on account of this act of hostility. And when it was known that the officer who conducted the attack, was a papist, a violent outcry was raised against the king, for employing that hated sect in the murder of his protestant subjects.<sup>i</sup>

It may be worthy of remark, that several mutinies had arisen among the English troops, when marching to join the army; and some officers had been murdered, merely on suspicion of their being papists.<sup>k</sup> The petition of right had abolished all martial law; and by an inconvenience which naturally attended the plan, as yet new and unformed, of regular and rigid liberty, it was found absolutely impossible for the generals to govern the army, by all the authority which the king could legally confer upon them. The lawyers had declared, that martial law could not be exercised, except in the very presence of an enemy; and because it had been found necessary to execute a mutineer, the generals thought it advisable, for their own safety, to apply for a pardon from the crown. This weakness, however, was carefully concealed from the army, and Lord Conway said, that if any lawyer were so imprudent as to discover the secret to the soldiers, it would be necessary instantly to refute him, and to hang the lawyer himself by sentence of a court-martial.<sup>l</sup>

An army new levied, undisciplined, frightened, seditious, ill-paid, and governed by no proper authority, was very unfit for withstanding a victorious and high-spirited enemy, and retaining in subjection a discontented and zealous nation.

<sup>24th Sept.</sup> Charles, in despair of being able to stem the torrent, at last determined to yield to it: and as he foresaw, that the great council of the peers would advise him to call a parliament, he told them in his first speech, that he had already taken this resolution. He informed them likewise, that the queen, in a letter which she had written to him, had very earnestly recommended that measure. This good prince, who was extremely attached to his consort, and who passionately wished to render her popular in the nation, forgot not, amidst all his distress, the interests of his domestic tenderness.<sup>m</sup>

In order to subsist both armies, (for the king was obliged, in order to save the northern counties, to pay his enemies,) Charles wrote to the city, desiring a loan of 200,000 pounds. And the peers at York, whose authority was now much greater than that of their sovereign, joined in the same request.<sup>n</sup> So low was this prince already fallen in the eyes of his own subjects!

As many difficulties occurred in the negotiation with the Scots, it was proposed to transfer the treaty from Rip-

pon to London: a proposal willingly embraced by that nation, who were now sure of treating with advantage, in a place where the king, they foresaw, would be in a manner a prisoner, in the midst of his implacable enemies and their determined friends.<sup>o</sup>

CHAP. LIV.

Meeting of the long parliament—Strafford and Laud impeached—Finch and Windebank fly—Great authority of the Commons—The bishops attacked—Tonnage and poundage—Triennial bill—Strafford's trial—Bill of attainder—Execution of Strafford—High commission and star-chamber abolished—King's journey to Scotland.

THE causes of disgust which, for above thirty years, had been daily multiplying in England, were now come to full maturity, and threatened the kingdom with some great revolution or convulsion. The uncertain and undefined limits of prerogative and privilege had been eagerly disputed during that whole period; and in every controversy between prince and people, the question, however doubtful, had always been decided by each party in favour of its own pretensions. Too lightly, perhaps, moved by the appearance of necessity, the king had even assumed powers incompatible with the principles of limited government, and had rendered it impossible for his most zealous partisans entirely to justify his conduct, except by topics so unpopular, that they were more fitted, in the present disposition of men's minds, to inflame than appease the general discontent. Those great supports of public authority, law and religion, had likewise, by the unbounded compliance of judges and prelates, lost much of their influence over the people; or rather, had in a great measure gone over to the side of faction, and authorized the spirit of opposition and rebellion. The nobility, also, whom the king had no means of retaining by offices, and preferments suitable to their rank, had been seized with the general discontent, and unwarily threw themselves into the scale which already began too much to preponderate. Sensible of some encroachments which had been made by royal authority, men entertained no jealousy of the Commons, whose enterprises for the acquisition of power had ever been covered with the appearance of public good, and had hitherto gone no further than some disappointed efforts and endeavours. The progress of the Scottish malcontents reduced the crown to an entire dependence for supply: their union with the popular party in England brought great accession of authority to the latter: the near prospect of success roused all latent murmurs and pretensions, which had hitherto been held in such violent constraint: and the torrent of general inclination and opinion ran so strongly against the court, that the king was in no situation to refuse any reasonable demands of the popular leaders, either for defining or limiting the powers of his prerogative. Even many exorbitant claims, in his present situation, would probably be made, and must necessarily be complied with.

The triumph of the malcontents over the church, was not yet so immediate or certain. Though the political and religious puritans mutually lent assistance to each other, there were many who joined the former, yet declined all connexion with the latter. The hierarchy had been established in England, ever since the Reformation: the Romish church, in all ages, had carefully maintained that form of ecclesiastical government: the ancient fathers, too, bore testimony to episcopal jurisdiction: and though parity may seem at first to have had place among Christian pastors, the period during which it prevailed was so short, that few undisputed traces of it remained in history. The bishops, and their more zealous partisans, inferred thence the divine indefeasible right of prelacy: others regarded that institution as venerable and useful: and if the love of novelty led some to adopt the new rites and discipline of the puritans, the reverence to antiquity retained many in their attachment to the liturgy and government of the church. It behoved, therefore, the zealous innovators in

<sup>h</sup> Nalson, vol. ii. p. 5. <sup>i</sup> Clarendon, vol. i. p. 159.  
<sup>k</sup> Rush, vol. iii. p. 1190, 1191, 1192, &c. May, p. 64.  
<sup>l</sup> Rush, vol. iii. p. 1199.

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