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## Charles I – Dead is Better

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Authors	Gallo, Joe
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## Charles I – Dead is Better

Charles I's continuous struggle against his subjects in Parliament turned popular opinion against him and forced his enemies to take harsher and harsher methods to deal with him. Each successive set of terms that they offered Charles threatened to strip more royal authority, to punish more of his supporters, and increasingly to end both the monarchy and the King's life. Charles continually refused these terms, and as his Parliamentary enemies watched negotiation after negotiation fail, they chose to bring the King to trial under the charge of treason. However, Charles dug in his heels and made it clear that he would not accept the legitimacy of this trial. In doing so, Charles exhausted yet another option for settlement and further demonstrated his commitment to resisting the Parliamentarians. The Independents in Parliament and leaders of the New Model Army wanted to make a peace deal that would end the civil wars, to receive compensation for the destruction caused by the wars, and to enforce several demands upon the king. The King still existed as a rallying point for Royalist resistance to the Parliamentarians, and he refused to order his forces to back down, even during his captivity. As the Parliamentarians considered their options, they found that Charles' deceitfulness, vengefulness, and stubbornness closed most of the opportunities to end the civil wars in a way that they felt was acceptable. With their other options restricted by Charles, the Independents in Parliament and leaders of the New Model Army came to the decision in the days before his trial that the King must die.

The roots of Parliament's power lay in medieval England, where kings struggled to successfully assert royal authority over ambitious vassals. This is most famously exemplified with the unpopular rule of King John (r. 1199-1216), which led to civil war and the creation of the *Magna Carta*. This peace treaty, which had many iterations throughout the 13<sup>th</sup> century, founded the core principle that the monarch had certain limits to his authority. This is best seen in the clause

which removed the king's ability to tax through royal ordinances and extract money from his subjects through several other feudal obligations.<sup>1</sup> While it existed then more as a council of advisors than as the legislative body that would feud with Charles in the 1640s, Parliament claimed several of its key powers through the *Magna Carta*. The king's ability to administer his kingdom and wage war would now become intertwined with Parliament and thus the approval of his subjects. The principles of constitutional monarchy had now been formally established and now both monarch and subject had legal precedent for asserting further control of the English state.

The ability of the king of England's subjects to affect government policy continued to grow, albeit slowly, in the ensuing century. In the early 14<sup>th</sup> century, Edward II (r. 1307-27) and his style of rule clashed with these new principles, as he displeased his nobility by picking favorites among foreigners at court and asserting strong royal authority. His significant favor for the Despenser family alarmed many of the barons of England, who launched a civil war against Edward in 1321. Edward was able to exploit the internal divisions among the rebels and within a year, the civil war was put down. Feeling confident with this purge of his enemies, Edward proclaimed the supremacy of the King's will and overturned previous edicts that had limited his power. But Edward II's struggle to assert his authority over his subjects ultimately ended in defeat, as he was deposed in a coup in 1327 by his own wife and aided with a faction of his discontented Lords and died the same year in captivity under suspicious circumstances.<sup>2</sup>

Richard II (r. 1377-99), great grandson of Edward II, also attempted to rule his kingdom as an absolute monarchy. Like Edward II, he chose favorites and splendidly rewarded them, alienating much of the previously established nobility. Additionally, he had strong disagreements with his

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<sup>1</sup> Gneist, *History of the English Parliament*, 74-86.

<sup>2</sup> Brown, *Disunited Kingdoms*, 38-45

nobles about how he would prosecute the Hundred Years' War with France, focusing instead on an unsuccessful invasion of Scotland. This boiled over into rebellion in 1387, when several Lords confronted Richard and attempted to charge a group of loyalists with treason and both sides began to prepare for conflict. The war was ignited when one of Richard's favorites, Robert de Vere, was ambushed and defeated while marching his army to London to aid the king. The civil war concluded in 1389 with Richard making peace and reasserting control of the realm. However, Richard did not abide by the terms of his peace, choosing instead to kill, disinherit, or exile those Lords who had risen against him and now served him again. He had guaranteed their safety, and thus was seen as a tyrant for destroying his rivals and enriching his favorites with the spoils of this purge. In 1399, during Richard's expedition to Ireland, a large group of nobles chose to give their support to Henry of Lancaster's rebellious bid for the throne. Upon his return to England, Richard was overwhelmed by his rivals, who captured, deposed, and executed him.<sup>3</sup> Richard II, like Edward II, had attempted to rule as an absolute monarch, choosing his own favorites to aid in government and ruling without as much support from his landed nobility. However, his demonstrations of the strength of the English crown and his punishments of disloyalty only isolated him from the political community, which ultimately replaced him with Henry IV (r. 1399-1414). This was yet another demonstration that the English monarchs, who often tried to build a centralized and powerful state, would have their power checked by their subjects if they could not cooperate.

The power and authority of Parliament grew throughout the medieval era. The reign of Henry III (r. 1216-72) saw the first time that commoners and knights were summoned to represent Parliament. Edward I (r. 1272-1307) continued this practice during his rule while he centralized

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<sup>3</sup> Brown, *Disunited Kingdoms*, 226-231

the English state and expanded its territory. During the reign of Edward III (r. 1327-77), Parliament became a bicameral institution, where the Lower House gained "a share in assenting to the taxes... [a share] in the administration, by way of Petition... [and] a share in legislating".<sup>4</sup> The strength of the subjects of England increased throughout the rule of the Plantagenet and the Tudor dynasties, where Parliament gained more rights, became a more structured institution with a permanent role in government, and gained more independence from the control of the king. During the reign of most monarchs from the 13<sup>th</sup> until the 17<sup>th</sup> century, the monarchy became more and more regulated and Parliament's role grew in English government.

At the same time, the late medieval and English Renaissance periods demonstrated an increase in the activity of commoners in the politics of the realm. With the advent of the Black Death in England, the Statute of Laborers was enacted to preserve traditional peasant-lord socioeconomic relationships that heavily favored lords. Many commoners, who now had a more advantageous position to negotiate wages, took action against this legislation. The Peasants' Revolt of 1381 surprised and frightened the aristocracy, who were used to a more submissive peasant class.<sup>5</sup> Despite its failure to effect change, it is a clear indication of the growing political consciousness of English commoners. Another example of this is Jack Cade's Rebellion. In 1450, an English commoner named Jack Cade led a popular rebellion which denounced Henry VI's mismanagement of the Hundred Years' War. He published a manifesto that accurately encapsulated several political issues of the King's reign, such as losing the English territory in France, the difference in justice that noblemen and commoners would receive, and Henry's favoritism towards certain courtiers, all of which were issues which frustrated many Englishmen.<sup>6</sup> Additionally, the rebellion served as

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<sup>4</sup> Gneist, *History of the English Parliament*, 128-131.

<sup>5</sup> Dobson, *The Peasant's Revolt of 1381*, 373-375.

<sup>6</sup> Cade, *Bill of Discontent*.

an assertion of the right of commoners to legally participate in the political affairs of the realm.<sup>7</sup> While also unsuccessful, these popular revolts demonstrate the growing political activity of commoners, particularly as an assertion of their own right to influence state policy, in the centuries leading up to the English Civil Wars.

Thus, the period from 1625 until 1688 represented the climax of this nearly 500-year tension, as the struggle evolved, in effect, into a military conflict between the ideologies of absolute monarchy and constitutional monarchy. The friction between the authority of the monarch and the authority of Parliament escalated rapidly after 1625 as King Charles I began his reign. Charles attempted to rule as an absolute monarch, viewing Parliament as an obstacle to his goals rather than as a mechanism for achieving them. From 1625-42, Charles' rule generated remarkable discontent among his subjects, particularly among members of the House of Commons, as well as throughout the kingdom, more generally. His attempts to suppress this discontent brought rebellion. And so, in late 1648 and early 1649, after years of civil war in two distinct conflicts, a group of Englishmen, both Lords and commoners, attempted to decisively end this struggle by killing the King in the name of the English people and ending the monarchy's role in English government. By understanding how and when this decision was made, we can understand what is perhaps the most pivotal moment in the political history of the nation, which ultimately led to the diminished role of the English, and subsequently British, monarchs in politics and the rise of constitutional institutions in Britain.

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<sup>7</sup> Bohna, "Armed Force and Civic Legitimacy in Jack Cade's Revolt", 582-583.

In interpreting the events that occurred from early November 1648 until the execution on January 30<sup>th</sup>, 1649, historians have attempted to determine at what moment Charles I sealed his fate by continuing to reject cooperation with the Parliamentarians and thus guaranteeing his execution. The two major opposing interpretations of this period disagree about the moment at which the decision was made to execute Charles. Sean Kelsey argues that the King's enemies desperately sought to avoid having to kill him and used the trial as an extended form of peace settlement negotiations, where the New Model Army senior officers and Independents in Parliament (hereafter referred to as Parliamentarians) were using the threat of execution to intimidate the King into finally agreeing to terms.<sup>8</sup> Others, such as Clive Holmes, argue that Charles' fate was sealed at a much earlier point and that the trial was established with the intent of regicide from the beginning; the King never had control of his fate.<sup>9</sup>

Bringing Charles I to trial on charges of tyranny, treason, and murder was a controversial choice across all of England, even among the Parliamentarians and their supporters. Despite their near decade-long conflict against the King, many members and supporters of Parliament and the New Model Army did not want this conflict to culminate in regicide. The idea of trying a monarch for crimes would still have been a radical political opinion in the 17<sup>th</sup> century. Even after fighting against Charles, many of his enemies had no intention of removing him from the throne. The renewal of war in 1648 highlighted Charles' unwillingness to accept defeat and his readiness to betray his promises. Charles, despite having been defeated in the first civil war and being held in captivity, temporarily escaped from his bonds in November of 1647<sup>10</sup> and then coordinated a series

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<sup>8</sup> Kelsey, "The Trial of Charles I", 615.

<sup>9</sup> Holmes, "The Trial and Execution of Charles I", 315-316.

<sup>10</sup> Gardiner, *History of the Great Civil War Vol IV.*, 17-20.

of uprisings and invasions to occur in May 1648.<sup>11</sup> By early September, the Parliamentarians had defeated the Royalist uprisings, the Scottish invasion, and the naval rebellion which had been coordinated by the Royalists and had reasserted control over England once more.<sup>12</sup> But now, Charles had demonstrated the lengths to which he would go to retain his crown. The King continued to reveal this attitude towards his opponents throughout 1647 with his alliance with the Scots (known as the Engagement) and the latter half of 1648 during the peace talks surrounding the second civil war. He turned many in the Army and Parliament against him, pushing them to make harsher demands for a peace settlement and turning popular sentiment against him.

The mounting strategic, political, and ideological pressure ultimately pushed the Independents and Army leaders to resolve on his execution. This question of when the final decision was made to execute Charles has historically been difficult to answer for historians and is perhaps misleading itself. It is not possible to determine the exact moment that the final decision was made to execute Charles since there is not enough substantive evidence to argue for an exact point without making many large assumptions. Thus, I argue that this moment occurred sometime in mid-January 1649 before the trial and was not the result of any one individual deciding that Charles should die, but the collective shift of opinion that Charles was too much of a liability to be left alive. He was the highest commander of and a rallying figure for Royalist forces. By remaining alive and in captivity, he existed as a strong incentive for Royalist forces to keep fighting. Additionally, the King had demonstrated a tendency to betray agreements he had made and backstab opponents that he previously made peace with. Finally, many prominent political figures, publishers, and local city/county governments in England felt that Charles, even if he was the King, needed to face harsh

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<sup>11</sup> Gardiner, *History of the Great Civil War Vol IV.*, 83-91.

<sup>12</sup> Gardiner, *History of the Great Civil War Vol IV.*, 209-211.

justice for the suffering that he had inflicted upon his subjects. While many Parliamentary political actors had their reservations throughout December 1648 and January 1649, by the time the trial began on January 20<sup>th</sup>, the King no longer had the opportunity to concede to Parliament and save his own life.

During the last days of the monarchy, it was not entirely clear who was driving the trial forward. With no precedent for how the government would function without a king, there was uncertainty among the English people, Parliament, and the New Model Army. Parliament was called and dismissed at the King's behest, granting the king certain privileges rather than functioning as a permanent body of government. Likewise, England had no standing army; the king mustered military forces when he desired and could afford to do so. As conflict arose between the House of Lords, the New Model Army, and the factions within the House of Commons, it was unclear how these parties would navigate their role of administering England in the King's place until he was restored to power. Disagreements between the New Model Army and Parliament led to Pride's Purge, where the Army barred representatives who opposed its views from entering the House of Commons on December 6<sup>th</sup> 1648. In January, the House of Lords rejected legislation from the House of Commons about setting up a trial for Charles.<sup>13</sup> The House of Commons decided to sidestep the House of Lords, declaring themselves—illegally—to be the supreme power in the English state and putting the decision into effect anyway.<sup>14</sup> This already represented a sort of *coup d'état* against the English “constitution”. While the New Model Army clearly had grabbed the reins of the English state, the fate of the King was intertwined with the potential for the civil war to continue.

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<sup>13</sup> *Journal of the House of Commons: Volume 6, 1648-1651*, 111-112.

<sup>14</sup> Gardiner, *History of the Great Civil War Vol IV.*, 289-290.

There remained many factions across English society and politics which were still allied with the Royalists. King Charles I's heir, Prince Charles, was currently residing at the Hague and not in the custody of the New Model Army.<sup>15</sup> Many royalists initially felt confident that the Parliamentarians would not execute Charles. Marchamont Nedham, author of the Royalist newspaper *Mercurius Pragmaticus*, believed that any action towards the King (especially his execution) would agitate several of the factions in England, in Parliament, or within the New Model Army itself.<sup>16</sup> In addition to this, a mutiny occurred in the Parliamentary navy in 1648, substantially strengthening the Royalist navy. The Royalist navy began operating out of Dutch ports, which added another danger to the Parliamentarians – the danger of causing a war with the Dutch while engaging with Royalist naval forces.<sup>17</sup> Finally, and perhaps most pressing, the Marquess of Ormond, the commander of the still active Royalist forces in Ireland, presented a credible threat to the New Model Army. Ormond, by attempting to ally with the Irish rebels (known as the Irish Confederates) against the Army, threatened to create a strong alliance that could invade England against the New Model Army. The officers of the Army wanted to prevent the mobilization of this Royalist coalition in Ireland and yet another devastating phase of civil war. John Adamson explains that this is the reason that "the army treated with such derision parliament's assertion that the King's concessions... constituted the basis for a 'safe and well grounded peace'".<sup>18</sup> While the commissioners sent to negotiate with Charles attempted to find a conclusive peace settlement, the King was stalling and had no intention of actually abiding by any of these terms. Charles bartered with the commissioners over several issues, such as replacing the English episcopal system with Presbyterianism, granting control over the militia to Parliament, and

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<sup>15</sup> Edwards, *The Last Days of Charles I*, 112.

<sup>16</sup> Tubb, 'Parliament Intends "To Take Away the King's Life"', 476.

<sup>17</sup> Adamson, "Frightened Junto", 41.

<sup>18</sup> Adamson, "Frightened Junto", 51-52.

allowing Parliament to oversee the English colonization of Ireland. However, the two sides could not find any satisfactory agreement. Though Parliament's demands were particularly steep, the King was evasive in his promises and often reverted back upon concessions that he had previously agreed to.<sup>19</sup> Charles sent an order to Ormond that the Marquess was not to agree to or abide by any peace settlement the King made with his enemies.<sup>20</sup> The Army officers were aware that any peace settlement would have to account for the King's deceitful tendencies and to successfully disband Ormond's forces.

By late 1648, the officers of the Army therefore had no clear course for resolving the civil war, as each option came with risks. The Army thus placed itself at the helm of the English state, providing itself as much control of the situation as possible in the upcoming peace settlement. A lasting peace settlement with the king would be the most preferable solution, ending the risk of starting a foreign war or another phase of civil war. However, getting Charles to agree to a lasting peace settlement was proving difficult and forcing him to abide to the terms may yet have been impossible.

While keeping the King alive gave the Parliamentarians some advantages, there were also several strong disadvantages which they were well aware of. First, Charles had plotted in the past, could still plot, and would continue to plot to reestablish dominance over England while he was in captivity. Several of his letters had been intercepted during his captivity, many of which were orders to domestic allies in preparation for another phase of warfare.<sup>21</sup> Second, the King had already escaped from captivity once before and could be expected to attempt to do so again. The King traveled to the Isle of Wight after his first escape because he believed that Colonel Hammond,

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<sup>19</sup> Gardiner, *History of the Great Civil War Vol IV.*, 214-226.

<sup>20</sup> Gregg, *King Charles I*, 426-427.

<sup>21</sup> Gregg, *King Charles I*, 426-427.

commander of the Isle of Wight, would help him flee from England and resume the war from abroad. The Parliamentarians were fortunate that Charles miscalculated the loyalties of Colonel Hammond during his flight, who, instead of helping the King escape, imprisoned him and reported these events to the Army. During his second period of captivity, Charles made numerous attempts to escape, which either failed outright or were discovered and foiled by his captors.<sup>22</sup> As long as Charles was alive, it was probable that he would attempt to escape, and, if Charles did manage to escape again, he would be free to reignite another period of civil war, and the Parliamentarians would lose an essential bargaining chip. In short, the Parliamentarians needed to account for many factors in attempting to establish their peace settlement.

The New Model Army and the council of officers at its head clearly had a large sway over the trial, with many members of the new Independent majority in Parliament also supporting the Army's goals. Members of both groups would sit as commissioners in the High Court of Justice for Charles and would sign his death warrant. However, these officers and remaining MPs varied widely in how they viewed executing the King, and these viewpoints on regicide often changed with each political development. Such is the case of Thomas Chaloner, who became radicalized after the King's escape from Hampton Court in 1647,<sup>23</sup> and Peregrin Pelham, who likely came to the realization that Charles' death was necessary due to his untrustworthiness.<sup>24</sup> However, it is not as easy to pinpoint the exact motivations of many others. The majority of commissioners left little trace of their motives and many of the motives that were recorded were a product of the trials of the regicides in 1660. On that occasion, the regicides' lives depended upon their ability to convince

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<sup>22</sup> Gregg, *King Charles I*, 421-424.

<sup>23</sup> Scott, "Motives for King-Killing", 140-142.

<sup>24</sup> Scott, "Motives for King-Killing", 146.

the court that they had not wanted to participate in Charles I's execution but were forced by another figure (usually Cromwell) and either saw no avenue to save the King or made an error in judgment.

One of the most important considerations that the Parliamentarians must have weighed was Charles' untrustworthiness and stubbornness. Throughout his tenure as king, Charles had repeatedly demonstrated that he was unwilling to compromise, that he was willing to take illegal action to achieve his goals, and that he did not feel compelled to keep his word to his opponents. During the first year of his reign in 1626, Parliament wanted to impeach his friend and chancellor, the Duke of Buckingham. Charles had two MPs arrested and later dismissed Parliament when they continued to act against Buckingham.<sup>25</sup> The next year, Charles attempted to raise money through "forced loans", an attempt to work around needing Parliament's consent for taxes. In the Five Knights Case, a legal case where five English knights attempted to dispute the legality of forced loans, the court ruled in favor of Charles. Geoffrey Robertson describes the claims made by each party in the case.

The barrister MP John Selden argued... because Magna Carta required that no person can lose his liberty except by due process of law: 'His Majesty's special command' was not a law, let alone lawful reason for indefinite detention. On the contrary, replied the Attorney-General, the King's command was the law: 'the very essence of justice under God upon us is in him'. The order for the indefinite imprisonment of the loan-refusers was an 'act of state', an exercise of royal prerogative into which the courts could not enquire. The pliable new Chief Justice,

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<sup>25</sup> Gregg, *King Charles I*, 145-151.

Nicholas Hyde, agreed: he declined the MPs' request to rule on the legality of non-parliamentary taxation, and ordered that [the knights] should remain in prison.<sup>26</sup>

When Parliament was called again in 1628, both Houses protested this through a document known as the Petition of Right. Charles briefly accepted their demands but prorogued Parliament shortly after and reasserted his right to tax without their consent.<sup>27</sup> Charles would use this strategy many times throughout the following decade, seizing wealth from the Royal Mint and the East India Company when facing bankruptcy in 1640.<sup>28</sup> When Parliament returned in 1629, the members continued to quarrel with Charles over his policies and boldly resisted the King's calls for adjournment. Angered by this, he dismissed Parliament and arrested nine MPs.<sup>29</sup> Charles had been on the throne for less than five years and already had established a reputation as a tyrant. His authoritarian conduct made enemies in Parliament quickly and by not addressing their issues for over a decade, he allowed their animosity to intensify.<sup>30</sup>

Upon dismissing Parliament in 1629, Charles did not call Parliament again until 1640. This period of his reign where Charles ruled without a Parliament was known as the "Eleven Years' Tyranny".<sup>31</sup> Charles' repeated money-making schemes, many of which were highly unpopular or illegal, along with his refusal to call Parliament propagated this impression of despotic rule. Charles attempted to revitalize antiquated laws which were no longer practiced, such as the Distraint of Knighthood, which demanded that any man who made over £40 per year attend the King's coronation and be knighted. Charles earned an income from this law by fining individuals

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<sup>26</sup> Robertson, *The Tyrannicide Brief*, 33.

<sup>27</sup> Gregg, *King Charles I*, 171-175.

<sup>28</sup> Gregg, *King Charles I*, 202.

<sup>29</sup> Gregg, *King Charles I*, 186.

<sup>30</sup> Gregg, *King Charles I*, 303-307.

<sup>31</sup> Lockyer, *Oxford Companion to British History*, 'Eleven Years Tyranny'.

who did not attend the coronation.<sup>32</sup> Charles also exploited the 1623 Statute of Monopolies, one of the first English patent laws, by requiring cases to be held in the Star Chamber (where he could control the outcome).<sup>33</sup> One of Charles' most unpopular policies was his abuse of the royal forests. Charles asserted the boundaries of the forest to their largest previous extent, allowing him to fine individuals who used land within these boundaries or to sell off the newly acquired land for money. Many of his subjects had traditionally used this land for forage or as common grazing, so his unexpected and dubiously legal seizure of this land suddenly put their livelihoods in jeopardy. This unpopular policy caused riots throughout Charles' reign as he never resolved the issues that his subjects faced.<sup>34</sup> The King may not have been able to raise legitimate taxes, but in deciding not to call Parliament, he prevented them from challenging him on the matter of illegal taxes. This tenacious, repeated refusal to compromise, even when it came at the expense of his own subjects, incensed Parliament and much of the English public.

Charles' uncompromising nature also contributed to the religious conflict that bubbled up before the civil wars, known as the Bishops' Wars. In 1637, religious unrest that had been brewing since the rule of Charles' father, King James I, finally boiled over in a riot in Edinburgh. This Anglo-Scottish divide had its origins in the Scottish Reformation and the founding of the Kirk (the Scottish national church). While the English Church still kept many Catholic elements, such as organization through a hierarchical system of bishops and priests, Scotland embraced a more egalitarian form of church organization. The Kirk's founder, John Knox, during his time abroad had grown fond of the Presbyterian system. In this system, all ministers were equal in rank and doctrine was determined by "church courts". These courts were councils of lay people (known as

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<sup>32</sup> Gregg, *King Charles I*, 227-228.

<sup>33</sup> Nachbar, "Monopoly, Mercantilism, and the Politics of Regulation", 1354-1355.

<sup>34</sup> Gregg, *King Charles I*, 224-226

elders) who would govern church policy. However, this system became more complicated during the rule of James I, who had strengthened the power of bishops. These bishops would be able to more directly serve the monarch's interests, but only achieved partial integration against the Presbyterian government of the Kirk.<sup>35</sup>

The system that Charles had inherited was split between these two ideologies, Presbyterianism and "episcopalism", with neither institution exerting full control over Scottish religious policy. The King's trouble arose from attempting to enforce his bishops' authority (and thus his own authority) to rule over the Scottish Church. Additionally, Scottish reformists felt concern over many of England's new liturgy and canons, which they considered "popish".<sup>36</sup> Charles published a Code of Canons which mandated the acceptance on a new Prayer Book for Scotland, which he had been working on closely with the Scottish bishops. The Scottish Parliament and Scottish Church Assembly had not been consulted in the writing of this new Prayer Book, and as a result, Scotland generally detested what the bishops published in 1637. The riot which erupted on July 27<sup>th</sup>, 1637, was a result of this new Prayer Book, and the King spurred into action. He attempted to bar anyone from holding religious office in Scotland unless they accepted the new Prayer Book, but Scotland doubled down and many Scots signed the National Covenant in early 1638. Signing this document was an act of unity against the innovations that the King's government had attempted to impose upon their religion. Charles did attempt to give some minor concessions to the Scots and allowed for the Scottish assembly and Scottish parliament to be called, but he also decided that he would not be bound to any agreements made there. He had hoped to placate them with limiting the bishops' authority and offering a "King's Covenant" to replace the National Covenant, but the Scots

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<sup>35</sup> Lamont, "The Scottish Reformation and How it Differs", 78-79.

<sup>36</sup> Donald, *An Uncounselled King*, 27-41.

had no interest in abandoning their own Covenant. When the assembly that the King had called voted to abolish episcopatism, annulled Charles' reforms, and established Presbyterianism as the sole institution of the Kirk, Charles realized that his diplomatic outreach failed. The King now turned towards military action to solve the crisis.<sup>37</sup>

This began the 1639-1640 Bishops' Wars. Charles, through his various moneymaking schemes, had acquired a sizeable enough treasury to wage war without the need to call Parliament. He decided that he would mobilize a sizeable expeditionary force for a campaign to take Edinburgh which, if it did not intimidate the Covenanters into backing down, would overwhelm and crush them. However, the Covenanters were already making their own preparations for war, understanding that taking the Covenant was a major step closer towards conflict with the King.<sup>38</sup> Additionally, the King's forces were untrained and many of his commanders had not yet seen battle. The Covenanters had already taken most of Scotland without a fight by the time the English army was mobilized. The two armies were converging on the Scottish border, but neither side particularly wanted to engage in a pitched battle. They engaged in peace talks before any fighting broke out, which resulted in the Treaty of Berwick. This treaty was more of a truce, as it agreed to adjudicate these issues that had caused the war in the Scottish Parliament. The two sides could not come to an agreement, and thus Charles declined to treat with the Scots, proroguing the Scottish Parliament. The first war had drained the King's treasury with the mobilization of his large army and now it appeared that he would need more money for a second war. With great apprehension, Charles listened to his advisors and in 1640 decided to attempt to raise funding by calling the English Parliament.<sup>39</sup>

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<sup>37</sup> Gregg, *King Charles I*, 288-290.

<sup>38</sup> Fissel, *The Bishops' War*, 3-10.

<sup>39</sup> Gregg, *King Charles I*, 291-296.

Parliament immediately began by raising issues with Charles, as it had been eleven years since an English Parliament was called and many of the King's actions during this time had caused grievances among the MPs and those that they represented. Charles dissolved Parliament after only a month in session; hence it earned the name "The Short Parliament".<sup>40</sup> Following another embarrassing defeat in the second Bishops' War, the King finally acceded to his advisors' recommendation to summon Parliament again; this Parliament would later become known as the "Long Parliament". Charles hoped that they would agree to institute a tax that would fund his military ventures against Scotland, however he found once again that the MPs still had other unresolved issues that they wanted to address first.<sup>41</sup>

Conflict between the King and Parliament began immediately as Parliament impeached several of Charles' advisors and began pushing reforms against Charles' government. The Triennial Act required Parliament to be called at least once every three years.<sup>42</sup> Parliament abolished the Court of High Commission<sup>43</sup> and the Star Chamber<sup>44</sup>, a powerful ecclesiastical court and a powerful common-law court, respectively, which were indirectly under the control of the King. Finally, Parliament passed acts declaring the illegality of many of Charles' moneymaking schemes that he used during the Eleven Years Tyranny (extracting "Ship-money", limiting the extents of royal forests, restricting the imposition of fines on knights).<sup>45</sup> Charles, at the end of his rope, needed to concede to many of these demands to receive the funding he desperately needed, but when the Commons passed the Grand Remonstrance, listing Parliament's grievances and accusing many

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<sup>40</sup> Gregg, *King Charles I*, 305-309.

<sup>41</sup> Gregg, *King Charles I*, 310-321.

<sup>42</sup> *The Triennial Act*, 1641.

<sup>43</sup> *The Act for the Abolition of the Court of Star Chamber*, 1641.

<sup>44</sup> *The Act for the Abolition of the Court of High Commission*, 1641.

<sup>45</sup> *Act Declaring the Illegality of Ship-Money*, 1641.

advisors of involvement in a Catholic conspiracy, Charles refused to cooperate any longer.<sup>46</sup> He attempted to arrest six MPs under the charge of high treason, storming Parliament with his soldiers. After this failed, both sides began mobilizing and the civil war ensued. By this point, Charles' uncompromising nature had caught up to him and disrupted his reign. The issues which he had seeded now required resolution and could only be achieved through compromise with some of the enemies he had made. Charles' response to Grand Remonstrance was the last straw for many Englishmen, pushing them to take up arms against the King whose reign had been defined by his inflexibility.

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Four years of brutal civil war commenced, coming to an end only with Charles' capture by the Scottish forces. He was transferred to the New Model Army and negotiations began for a peace settlement, but quickly began to take advantage of rising divisions among the Parliamentarians. He rejected the terms given to him by Parliament, negotiating an alliance with the Scots, in the meantime. Even this alliance was barely accepted by the Scots, as by this point even many of them did not trust Charles to uphold his end of the bargain. Shortly afterward, he escaped from his captivity and his forces rose up to fight the second civil war. During a meeting of New Model Army officers that occurred while the Army readied for the second war, the officers declared it their duty that "if ever the Lord brought us back again in peace, to call *Charles Stuart*, that man of blood, to an account, for that blood had shed, and mischief he had done, to his utmost, against the Lord's cause and people in these poor nations".<sup>47</sup> Charles had been considered a tyrant for some

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<sup>46</sup> Gregg, *King Charles I*, 340-342.

<sup>47</sup> Allen, *A Faithful Memorial*.

time now, but after his repeated attempts to maintain royal authority had caused such bloodshed, many now felt that the king had to answer for his wrongdoings.

When the Royalist forces were soundly defeated in the second civil war and Charles was recaptured, he was not deterred. He attempted to plan a new war even from his internment on the Isle of Wight. He sent many letters (many of which the Parliamentarians intercepted) attempting to recruit allies for the war and made multiple attempts to escape. The King also attempted to use the new set of peace negotiations, the incomplete outcome of which would be known as the Treaty of Newport, which began after the Second Civil War to buy time.<sup>48</sup> The Army's outrage over these fruitless talks was succinctly summarized by Oliver Cromwell in a letter to Colonel Hammond, where he described the Treaty of Newport as a "ruining hypocritical treaty".<sup>49</sup>

After twenty-five years on the throne, Charles had made his view on compromise abundantly clear. Nearly two decades of contentious rule with Parliament and nearly a decade of civil war had demonstrated to all of his subjects that he would have his way at any cost, and that cost usually was the welfare of his subjects. In the weeks between Pride's Purge and the beginning of the King's trial, he had made it abundantly clear to the New Model Army that he had no interest in sacrificing the authority of the king, even at the risk of his own life. And his opponents understood this, declaring in their *Remonstrance of the Army*, where they identified Charles as "that capitall and grand Author of our troubles, the Person of the King... in whose behalfe, and for whose interest only, (of will and power,) all our warres and troubles have been".<sup>50</sup> Later, in the Ordinance of

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<sup>48</sup> Gardiner, *History of the Great Civil War Vol IV.*, 224-226.

<sup>49</sup> Cromwell, *Letter to Colonel Hammond*, 1648.

<sup>50</sup> *Remonstrance of the Army*, 1648.

January 6th that established the High Court of Justice, the House of Commons expressed their frustrations with Charles' conduct under Parliamentary captivity:

Whereas also, the Parliament well hoping that the Restraint and Imprisonment of his Person, after it had pleased God to deliver him into their Hands, would have quieted the distempers of the Kingdom did forbear to proceed Judicially against him: but found by sad Experience, that such their Remissness served only to encourage him and his Complices in the continuance of their evil practices, and in raising of new Commotions Rebellions and Invasions...<sup>51</sup>

Even in the aftermath of a second civil war, Charles was continuing to raise "new Commotions Rebellions and Invasions". The members of Parliament and the officers of the New Model Army recognized that the two civil wars were a result of the King's attempts to subvert the will of his opponents and continuous refusal to accept defeat.

Unlike before, Charles now faced a charge of treason, coinciding with the moment when many English soldiers and civilians were developing radical opinions, both secular and religious. While both secular and religious reform reflected a desire to fundamentally reshape society, many secular reformists were those who grew hostile towards the King. The prominent Leveller movement was one such example of this. The Levellers were a movement formed within the lower ranks of the New Model Army during the period between the First and Second Civil Wars. In March 1647, rank and file soldiers across the whole Army felt frustration with Parliament's refusal to grant them several fundamental concessions. Several regiments elected representatives, known as Agitators, to have a great meeting and send their demands to Parliament. These would include demanding

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<sup>51</sup> *Acts and Ordinances of the Interregnum*, 1254.

pay for their service, demanding an act of indemnity for acts committed during the war, and refusing to carry out orders from Parliament which it saw as ruinous.<sup>52</sup> During negotiations between the Agitators and Army senior officers, Cromwell managed to pacify the Agitators for a time with promises of pay and the right to petition their generals.<sup>53</sup> The Agitators returned to the spotlight in October 1647 during the Putney debates, where they demanded sweeping away the monarchy, Parliament, and even the Army Council in favor of an abstract institution that would better represent the people's will.<sup>54</sup> These demands reflected the growing Leveller movement, which had grown so prominent as that the Agitators sent by five cavalry regiments were recalled and replaced for having been "corrupted by their officers" and thus losing their Leveller beliefs.<sup>55</sup> Cromwell dismissed Agitator soldiers from this meeting back to their regiments due to increasingly violent denunciations of the king.<sup>56</sup> Cromwell's antipathy against the Agitators and their more extreme demands demonstrates that ideas such as the abolition of the monarchy and regicide had not permeated into the mainstream political discourse. However, it is important to note that they did exist through the rhetoric of the most radical Parliamentary figures. As the Agitator faction faded, many of its ideas were adopted by the newly spreading Leveller movement. The Leveller movement, a movement advocating for more extreme forms of popular sovereignty and freedom of worship, was continuing to grow since the end of the first civil war. Elliot Vernon and Philip Baker summarize the *Agreement of the People*, the Leveller's manifesto, as seeking

... to solve the constitutional crisis paralysing England by going directly to the people as the root of power. Using the rhetoric of corruption and delay allowed its

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<sup>52</sup> Hill, *The World Turned Upside Down*, 38-41.

<sup>53</sup> Gardiner, *History of the Great Civil War Vol. III*, 243-249.

<sup>54</sup> Gardiner, *History of the Great Civil War Vol. III*, 378-91.

<sup>55</sup> Hill, *The World Turned Upside Down*, 43-45.

<sup>56</sup> Gentles, "Conflict and Contexts, Politics of Fairfax's Army", 191.

authors to jettison any reliance on the ability of existing political institutions to grant the army and the people the just ends of the war: indemnity and liberty. In so doing, however, the *Agreement* presented a fully constitutional, if perhaps somewhat politically naive, mechanism of settlement. The idea that the army should 'join' with the people in establishing a secular constitutional settlement founded in a 'law paramount' denied both the arguments of providence and the rightness of might.<sup>57</sup>

This ideology proposed a radical dissolution of the previous institutions of government. It is unsurprising that Cromwell, still seeking a settlement that would return England to peace and normalcy, had taken action against this extreme movement. But it is clear that even before the Second Civil War, Charles' actions had caused the spread of revolutionary ideas to enough of an extent that the more orthodox Army leadership had growing concerns.

While the Army leadership would never support Leveller ideas, their hostility to the King's person would slowly increase following the Putney Debates. By 1648, Cromwell, who had previously suppressed violent denunciations of Charles, began taking a harder stance on the King's fate. This is likely due to Charles' escape from captivity in November of 1647 (after the Putney debates) and rumors that he was attempting to negotiate an alliance with the Scots. On January 3<sup>rd</sup> of that year, Cromwell said in a speech that the Parliamentarians "should not any longer expect safety and government from an obstinate man whose heart God had hardened". John Morrill and Philip Baker argue that this, along with many similar writings and speeches of Cromwell from throughout 1648, demonstrate his belief that the King would need to be removed from power

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<sup>57</sup> Vernon and Baker, "What Was the First Agreement of the People", 58-59.

altogether.<sup>58</sup> In a letter to Fairfax on November 20<sup>th</sup>, 1648, Cromwell described his agreement with other Army officers that the King should be punished.

I find in the Officers of the Regiments a very great sense of the sufferings of this poor Kingdom; and in them all a very great zeal to have impartial Justice done upon offenders. And I must confess I do in all, from my heart, concur with them; and I verily think and am persuaded they are things which God puts into our hearts.<sup>59</sup>

Even previously moderate Army officers had turned towards punishing Charles following the Second Civil War. Pride's Purge demonstrated that the Army and many Independents in Parliament had grown tired of the King's disingenuous negotiating, and the declaration by the Army that His Majesty would be brought to trial confirmed that they were no longer afraid to threaten the King. With his previous attempts at escape failing and his trial approaching, Charles was in more danger than ever before. Had the king finally reached a point where he was willing to negotiate?

As the Army commenced Pride's Purge and began preparations for a trial, Charles began to build his position around the imagery of lawfulness and martyrdom. The King had authored several declarations in the month leading up to the trial, detailing his denunciation of the illegitimacy of the act of bringing him to trial<sup>60</sup> as well as his decision to "die as a martyr," instead of submitting to the false authority of the High Court of Justice.<sup>61</sup> Charles had begun styling himself as a martyr, portraying his conflict with the Parliamentarians as a righteous but ultimately vain defense to uphold the historic laws of England. However, some of the King's private behavior suggested that he was not fully committed to this fate.

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<sup>58</sup> Morrill and Baker, "Oliver Cromwell, the Regicide and the Sons of Zeruah", 22-32.

<sup>59</sup> Cromwell, *Letter to Fairfax, November 20<sup>th</sup>, 1648*.

<sup>60</sup> Charles Stuart, *His Majesties Last Proposals to the Officers of the Armie*, 1648.

<sup>61</sup> Charles Stuart, *His Majesties Declaration Concerning the Charge of the Army*, 1649.

Sean Kelsey argues that Charles understood this danger but attempted to walk a fine line between resistance and capitulation. During the trial, Charles held back on making categorical statements about the court's ability to try him. For example, he informed the Court that he would plead once he was shown that the Court had the proper authority to try him. It is important to distinguish that he did not proclaim that he would never make a plea even though Charles knew that the Court could not prove that it had this authority. Charles may simply have been attempting to obstruct his Parliamentary enemies by pointing out the Court's shaky legal foundations. However, Sean Kelsey believes this shows that the King was making a conscious effort to portray himself as available to negotiate with while showing the Court that they could not legally force his hand. If things had gone according to his plan, he would be in a position to negotiate terms that preserved some portion of royal authority in England.<sup>62</sup> Additionally, Charles held off publication of *Eikon Basilike*, his post-mortem testament, which cemented imagery of him as a royal martyr and Christ-like figure. If he had known that he was doomed to die, Kelsey contends, then he certainly would not have waited until after his death to publish *Eikon* and embrace his fate.<sup>63</sup> This offered parliament a chance to negotiate, however as he had done on so many previous occasions, the King attempted to push his position to its limits. At this point, it was important that the Parliamentarians believed Charles could be negotiated with. The King's actual willingness to bargain would matter little if Parliament did not believe that any genuine agreement with him could be achieved at all.

Charles' actions seem somewhat contradictory. His public image of a lawful soon-to-be-martyred king contrasts with the efforts that he makes to preserve his own life. However the King's

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<sup>62</sup> Kelsey, "The Now King of England", 1093-1094.

<sup>63</sup> Kelsey, "The Now King of England", 1093-1094.

behavior on January 27<sup>th</sup>, the last day of the trial, suggests that he was not truly committed to his claim that he would rather die than surrender his authority. Shortly before his sentence was passed, Charles requested a meeting with Parliament for the purpose of finding a peace settlement. This was swiftly denied by John Bradshaw, the President of the Court. Additionally, upon hearing that he had been pronounced guilty and sentenced to death, the King asked for a chance to speak, but was swiftly denied, and he loudly protested this as he was forced out of the courtroom.<sup>64</sup> Charles now realized the extent to which he had misplayed his hand. His seemingly inconsistent behavior during December 1648 and January 1649 suggests that the King had not fully committed to dying as a royal martyr. It is likely that, by portraying himself as a martyr and the trial as an illegal sham, Charles thought that he could force the Parliamentarians to negotiate with him. And when he and the Parliamentarians attempted a new peace settlement, the King would be able to leverage their inability to execute him to gain more concessions. Thus, Charles seems to have believed that image of martyrdom would be what preserved his royal power.

While Charles himself may have been interested in negotiating, general skepticism about his intentions was perhaps more important to defining the outcome of his trial. Charles' resistance was exactly in line with his character, which he had demonstrated throughout his entire reign. Parliament, the Army leadership, and the English public were all aware that the King would challenge their authority at the trial, even when facing his own death, quite simply because he had told them that he would. Moreover, it was clear that the King would go to extreme lengths to resist submitting to his enemies.

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<sup>64</sup> Wedgewood, *The Trial of Charles I*, 177-186.

The New Model Army Council of Officers realized this during their attempts for a last-minute peace settlement with the King in late December 1648 in an effort later termed the "Denbigh mission". Before this mission, it was believed that only a few officers were openly in favor of regicide.<sup>65</sup> Cromwell had not made his position on killing the King clear yet; he was in favor of putting Charles on trial but wanted to focus on prosecuting other prominent Royalists first.<sup>66</sup> In particular, Cromwell wanted to focus on prosecuting the Duke of Hamilton, who had orchestrated the 1648 Scottish invasion. However, the results of the Denbigh mission would change the Army Council's disposition. The Earl of Denbigh was sent by the Council to deliver terms to the King in an attempt to find some settlement now that the Treaty of Newport had collapsed. Although it is not clear exactly what transpired, Charles either rejected these terms outright or refused to see Denbigh at all. With this, the Council of Officers who had been at best lukewarm about the idea of regicide were now incensed.<sup>67</sup>

While Cromwell had previously preferred the outcome of Charles' abdication in favor of his son and a delayed trial if this did not occur, he now conformed to the other officers' demand for an immediate trial.<sup>68</sup> The King had already lost popularity throughout each phase of the civil wars, but the Denbigh mission and its subsequent failure was a turning point after which rhetoric against the King became more prevalent and intense. This began with the Army making its declaration that they would bring the King to justice the following day.<sup>69</sup> At the same time, petitions arrived from across England calling for expedient justice for Charles – for example, the Kentish petition

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<sup>65</sup> Adamson, "Frightened Junto", 55.

<sup>66</sup> Morrill and Baker, "Oliver Cromwell, the Regicide and the Sons of Zeruiah", 30.

<sup>67</sup> Adamson, "Frightened Junto", 53-57.

<sup>68</sup> Morrill and Baker, "Oliver Cromwell, the Regicide and the Sons of Zeruiah", 31-32.

<sup>69</sup> Tubb, *Parliament Intends "To Take Away the King's Life"*, 470-471

which described Charles as "that grand Authour of all our miseries".<sup>70</sup> Likewise, a petition from the county of Somerset prayed "That Justice be done on the great Offenders (a second time brought before you) in satisfaction of the blood shed in your quarrel".<sup>71</sup> Public opinion of Charles was particularly low in northern England, which had endured some of the bloodiest fighting that came alongside the several Scottish invasions they had endured because of him. Petitions arrived from civilian populations of several of these counties and cities, such as Newcastle, Yorkshire, and Durham, which denounced the Treaty of Newport and called for justice to be done as expediently as possible.<sup>72</sup> Calls for justice also came from the lower ranks of the Army. Lord Fairfax, Commander-in-Chief of the New Model Army, received letters from several northern garrisons calling for an end to Newport peace talks, including the garrisons at Newcastle, Teignmouth, Hartlepool, and Berwick.<sup>73</sup> Other petitions came from junior officers and their men, calling for quick justice and wondering why that justice had not already been enacted. The most radical of these either suggested or demanded the explicit execution of the King, such as Gilbert Mabbot's ironically named newspaper *The Moderate*<sup>74</sup> and the anonymously authored *The People Informed of their Oppressors and Oppressions With a Remedy for Both*.<sup>75</sup> The Royalist newspaper *Mercurius Impartialis* reported that many soldiers were demanding blood in spite of promises made that the King would not be harmed while being brought to London.<sup>76</sup>

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<sup>70</sup> *The Kentish Petition to Parliament, to Proceed to a Speedy Bring to Justice the Person of Him, Who as a King Ought to Have Defended Us, but as a Tryant hath Waged War Against Us*, 1648.

<sup>71</sup> *To the Honorable, The Commons Assembled in Parliament: The Humble Petition of Divers Gentlemen, Ministers, and Well-Affected Inhabitants of the Country of Somerset*, 1649.

<sup>72</sup> Scott, "Motives for King-Killing", 149-150.

<sup>73</sup> *Two Petitions Presented to His Excellency the Lord Fairfax*, 1648.

<sup>74</sup> Tubb, 'Parliament Intends "To Take Away the King's Life"', 477-488.

<sup>75</sup> *The People Informed of their Oppressors and Oppressions*, 1648.

<sup>76</sup> *Mercurius Impartialis No. 1*, 1648.

With Pride's Purge and the acceleration of the breakdown of negotiations between the King and parliament, newspapers began attempting to convey a picture of what was happening and what was going to happen next. Kelsey argues that documents such as the Remonstrance were deliberately vague and would not necessarily have been interpreted as threatening the King's life.<sup>77</sup> However, this was not how it was interpreted in many newspapers, of which a few boldly proclaimed that Parliament and the Army's conduct clearly demonstrated that they were out for the King's head. A few sources of Royalist media such as the anonymous pamphlet *Independency Stript and Whipt* and the newspaper *Mercurius Elenticus* were early proponents of the belief that the Army and/or the Independents in parliament were actively attempting to kill Charles.<sup>78</sup> Many of these accusations were made in the period between Pride's Purge and Denbigh mission, at which point the Army leadership was just beginning to publicly call for "justice" (such as through the Remonstrance). The belief that the Parliamentarians would kill the King weighed on the public's mind even before the Parliamentarians and their supporters were publically using that language. While the option of execution was increasingly being discussed in the Army during mid-December, the Council of Officers had not yet decided upon the course of a trial and would again attempt to find a settlement with Charles through the Denbigh mission. However, the acceptability of regicide was gaining ground in the public consciousness.

The failure of the Denbigh mission led to a fundamental shift in public discourse about the King. While some more radical members of the Army had previously toyed with the idea of execution, the Council of Officers now brought this possibility to the forefront of public discourse by voting to try Charles for treason against the people of England.<sup>79</sup> Within two weeks, parliament

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<sup>77</sup> Kelsey, "The Trial of King Charles I", 599-600.

<sup>78</sup> Tubb, 'Parliament Intends "To Take Away the King's Life"', 469.

<sup>79</sup> Gardiner, *History of the Great Civil War Vol IV.*, 285-288

voted the same way and began to make provisions for a trial and to formulate the charge against him.<sup>80</sup> Cromwell now began to spend more time in Parliament as these charges were being drawn up. Meanwhile, he used Ireton, one of the most radical of the Army officers, to keep the Council of Officers on track and moving towards the trial.<sup>81</sup> In one instance, a woman named Elizabeth Pool claiming to have had a prophetic vision was presented to the Council of Officers. Through her visions, she argued for bringing the King to trial, but against bringing him to any kind of physical harm. It appears that these claims angered many members of the Council. However, a few of the members were interested in hearing more details of her vision. Ireton was skeptical of her claims, quickly dismissing her and the arguments against regicide that she brought.<sup>82</sup> The Council of Officers were doubling down on their decision to make violence against the King. While this was occurring, Charles himself began to prepare for a fight. Seeing Parliament continue to prepare charges of treason against His Majesty while the King had openly declared his intention to resist the charges and die as a martyr, the suspicions of many were confirmed that Parliament intended for the trial to end in regicide.

To many Englishmen, this confirmed the view, expressed by Royalist sources at the beginning of January, which claimed that Parliament intended to murder the King. The *Mercurius Melancholicus* and *Mercurius Elenticus*, for example, made precisely this accusation. This claim was not based on any hard evidence, but reflected the growing Royalist fear that the trial would end in regicide. But even the Parliamentary newspaper *The Perfect Weekly Account* compared Charles to Edward II, an allusion which insinuated that Charles would die.<sup>83</sup> Many Presbyterians,

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<sup>80</sup> Gardiner, *History of the Great Civil War Vol IV.*, 285-288.

<sup>81</sup> Wedgewood, *The Trial of Charles I*, 91-92.

<sup>82</sup> Font Paz, "The Cure of the Kingdome", 187-188.

<sup>83</sup> Tubb, 'Parliament Intends "To Take Away the King's Life"', 473.

such as the now ex-MP William Prynne, lamented that parliament wanted to kill Charles and denounced the action as ruinous to England.<sup>84</sup> Amos Tubb argues that the public was well aware of the possibility that the king would face violence and that this could be catastrophic for their own futures and for the fate of the nation. This awareness can be seen in the actions of several prominent Englishmen, with minister Ralph Josselin predicting a dire situation in the near future, astrologer William Lilly trying to divine if the King would die in 1649, and several MPs fleeing London to avoid having to sit on the High Court of Justice.<sup>85</sup> Two of these MPs, Bulstrode Whitelocke and Sir Thomas Widdrington, were lawyers who had been consulted by Cromwell about the trial and had advised against it.<sup>86</sup> During this meeting, the deposition of Charles was a presupposition, and they discussed the possibility of replacing Charles with one of his younger sons. Additionally, C.V. Wedgewood explains that it appears that Cromwell was conferring with the lawyers in part to discuss the return of voluntarily absent MPs to Parliament. The logic was that if Parliament appeared more unified in its actions against the King, an execution might not appear as an act of uncontrolled political violence to the public.<sup>87</sup> Whitelocke wrote in his diary that he had decided to leave the city "till that bisnis had ended".<sup>88</sup> Whitelocke and Widdrington would have been well informed about the nature of the trial and their decision to leave the city despite their previous support to make war on the king indicates that they were quite uncomfortable with the situation that they saw brewing.

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<sup>84</sup> Prynne, *A Breife Memento to the Present Unparliamentary Iunto*, 1649.

<sup>85</sup> Tubb, 'Parliament Intends "To Take Away the King's Life"', 474.

<sup>86</sup> Edwards, *Last Days of Charles I*, 109.

<sup>87</sup> Wedgewood, *The Trial of Charles I*, 89-90.

<sup>88</sup> Whitelocke, *The Diary of Bulstrode Whitelock*, 227.

On January 9<sup>th</sup> the Sergeant at Arms for the newly formed High Court of Justice publicly announced its formation and the trial that would ensue, doing so with a grand display involving hundreds of cavalymen.<sup>89</sup> This spurred a new round of public discourse regarding the fate of the King, one of the most prominent elements being the wave of pro-Parliamentarian calls for the King to be fully removed from power. The newspaper *The Moderate Intellegencer* declared that it was the right of the people to choose their own sovereign and declared a few days later that Charles would never sincerely attempt to reach a peace settlement with the Parliamentarians. While some of these did not explicitly call for regicide, hostility to the King was measurably increasing in London. Several other pro-trial publications were made during this period, such as John Redingstone's pamphlet *Plain English to the Parliament and Army*, the pamphlet *The People's Right Briefly Asserted*, and the petition from the London city council. These publications similarly celebrated the decision to bring Charles to trial and Redingstone implied that Charles should be tried and executed as a common murderer would be.<sup>90</sup>

This popular support for punishing the King was a significant influence on the senior officers of the Army. Fairfax's own actions are indicative of the growing support for regicide in the Army, despite his own opposition/neutrality towards the issue. The Commander-in-Chief of the New Model Army had advocated for a moderate stance while the Army searched for a peace settlement with the King but increasingly found himself isolated as the King refused to cooperate with the Parliamentarians. Upon the failure of the Denbigh mission, Fairfax's participation in the decision making of the Army drastically diminished, and by the end of the trial he had seemingly withdrawn from public life. Daxon suggests that it is plausible that Fairfax was opposed to the execution of

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<sup>89</sup> Edwards, *Last Days of Charles I*, 105.

<sup>90</sup> Tubb, "Parliament Intends 'To Take Away the King's Life' ", 477-478.

the King but was more willing to accept the death of the King than to take a stand, risk dividing the Army, and thus causing further violence.

On January 8<sup>th</sup>, the first meeting of the High Court of Justice was held in the Painted Chamber in Westminster where the attendees organized how they would approach Charles' trial. Fairfax only ever attended this first preliminary meeting and did not sign the proclamation made for public announcement.<sup>91</sup> During the trial, a figure presumed to be his wife Anne would repeatedly interrupt the proceedings, condemning the trial in his name.<sup>92</sup> Many years after the Restoration, Fairfax claimed that the other officers of the Army had signed documents in his name, often without his knowledge.<sup>93</sup> Fairfax had always opposed regicide and pushed for more moderate settlements, and clearly he felt frustrated by the evolution of the political situation. If the commissioners were set on regicide in this first meeting of the High Court, avoiding his role as commissioner while having his wife anonymously declare his disapproval would be the most non-divisive resistance he could engage in.

These events paint a picture of a disagreeing Fairfax who had no recourse. This characterization is in line with a credible rumor from the evening before the execution, where Fairfax reputedly stated that "he was ready to venture his own life, but not the lives of others against the Army now united against them".<sup>94</sup> This plausible image of Fairfax as a silent objector rather than a naïve statesman suggests that he knew that he did not have the influence to enforce a peace settlement where the King's life was spared. Fairfax was a respected commander and had forged bonds with his fellow soldiers in the New Model Army. It is uncertain exactly what a plan

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<sup>91</sup> Edwards, *Last Days of Charles I*, 104.

<sup>92</sup> Daxon, "The Politics of Sir Thomas Fairfax Reassessed", 498-502.

<sup>93</sup> Edwards, *Last Days of Charles I*, 104.

<sup>94</sup> Daxon, "The Politics of Sir Thomas Fairfax Reassessed", 502-503.

to protect Charles would entail, as Fairfax does not elaborate on any specific plan. Despite this, there was enough animosity against Charles within the ranks of the Army that Fairfax feared there would be violence if even he acted to save the King.

Even without Fairfax's support, the New Model Army's fervor against the King only grew. More letters and petitions arrived from many Army garrisons and officers, reverberating calls for "the speedy execution of due and distributive Justice to all and every Capital Offendor"<sup>95</sup> and insisting "That the King, and all others the Grand Contrivers of, and Actors in the first and second warre, may be brought to speedy Triall".<sup>96</sup> The Army also stepped up its propaganda during this eleven-day period. The Army published two major works, an independently published pamphlet and a joint declaration with Parliament, each detailing the moral and legal right of the King's subjects to depose him.<sup>97</sup>

Even abroad, the developing trial was perceived as a regicide in the making. Sir William Boswell, a Royalist diplomat to the Netherlands now in the company of Prince Charles, gave a grave speech at the Hague about King Charles' plight. He explained that "It cannot be unknown to them in how great and imminent danger the life of the King, his Highness's royal father, at this time is... they have declared a resolution or purpose to proceed with further violence against the person of the King, implying thoughts of deposing him and taking away his life".<sup>98</sup> Prince Charles sent many letters to the many other political figures on the continent, pleading for them to intercede on his father's behalf. His letters to French Cardinal Mazarin and Anne of Austria, Queen Regent

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<sup>95</sup> *The Declaration of the Officers of the Garrison of Hull*, 1649.

<sup>96</sup> *Petition and Representation of the Officers and Soldiers of the Garrisons*, 1649.

<sup>97</sup> Tubb, 'Parliament Intends "To Take Away the King's Life"', 478.

<sup>98</sup> *Calendar of State Papers (Domestic), 1648-1649*, vol. DXVI, 345-346.

of France, desperately attempted to secure the Queen Regent's aid against those who threatened King Charles' life.<sup>99</sup>

On January 17<sup>th</sup>, a major political development occurred in Ireland against Parliament as James Butler, the Marquess of Ormond, declared a peace settlement between the Royalists and the Irish Confederates.<sup>100</sup> This decision would have confirmed the fears that the officers of the New Model Army faced: that the King would not desist in beginning yet another phase of civil war. If the New Model Army senior officers and Independents in Parliament still had any hope for successful peace settlement with the King, this proclamation would have dashed these hopes.

Charles' incessant rebuffing of all compromise, the danger posed by his refusal to surrender, and the overwhelming collective antipathy towards Charles formed a perfect storm that offered regicide as the best option for the Army and Independents. The MPs and Army Council of Officers felt the pressure of many English commoners, intellectuals, and the lower ranks to "adequately punish" the King. And as peace settlements continually proved fruitless, what "adequately punish" meant to them shifted closer and closer to regicide. With Royalist figures fearing that the King's life was in extreme peril, with more conservative Parliamentarians such as Fairfax predicting violence if the King's execution was prevented, and with newspapers and radical Parliamentarian figures more openly calling for regicide, clearly there was a tangible atmosphere among the English public that they desired violence against the king. Many Englishmen, including Army officers, MPs, intellectuals, and commoners, were experiencing more radical shifts in opinion themselves as the King abused every avenue for a peace settlement. It is most likely that there was no single moment before the trial where the King's future judges collectively decided that the trial

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<sup>99</sup> *Calendar of State Papers (Domestic), 1648-1649*, vol. DXVI, 347.

<sup>100</sup> Ormond, *Articles of Peace made and Concluded with the Irish Rebels and Papists*, 1649.

would end with a death sentence. However, the news arriving from Ireland proclaiming peace between the Royalists and Irish Confederates must have shifted opinions against the King; and this, for many, would have been the final straw. This collective suspicion and antipathy against the King itself had enough momentum that, even though there were still some dissenting members of the High Court of Justice, Charles was set to die regardless of his actions at the trial. By January 20<sup>th</sup>, perhaps the only person who didn't expect execution was Charles I himself.

As the trial of Charles I began on January 20<sup>th</sup>, 1649, the King's fate was no longer in his own hands. Over two decades of animosity built up to a brutal series of civil wars, Charles had shown no desire to compromise with his enemies or accept any responsibility. The increasing realization by the New Model Army and Independents in Parliament that Charles could not truly be negotiated with pushed radical republican ideas through the Army and Parliament, one of which was that the King should be tried as a traitor and punished accordingly. After the dramas of Pride's Purge and the Denbigh mission, regicide skyrocketed as a topic of public political discussion. Each day, the actions of the Army and Independents made the public more certain of the plans for regicide. Royalists and Independents alike discussed the likelihood of regicide, disagreeing on whether it constituted treason or justice.

Charles had no intention of recognizing the authority of the High Court of Justice and refused to plead at all. His refusal to comply with the court led to a speedy sentence, as it certainly reinforced the Court's judgment that negotiating with him would be futile and that killing the King was the safest option. After the first day of the trial, John Cook, the Solicitor General, summarized the Parliamentarians' clear outlook when telling his neighbor that, "[Charles] must die, and the

monarchy must die with him".<sup>101</sup> When facing pushback from other commissioners, Cromwell famously stated "I tell you, wee will cut off his head with the crowne upon it".<sup>102</sup> On January 27<sup>th</sup>, the Court resolved that Charles was guilty of treason and sentenced him to death. The King, perhaps shocked by this declaration of intent to commit regicide, attempted to protest his sentence in court, but the sentence had been declared, he was removed from the court.<sup>103</sup> Shortly after, a death warrant was signed for the King with fifty-nine signatures. On the cold morning of January 30<sup>th</sup>, 1649, Charles took his last breath and was put to death in the name of the people of England.

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With the fall of the executioner's axe came the first disruption of monarchic rule of England in centuries. The Commonwealth of England, which directly succeeded King Charles I's government, ruled for four years before being reformed into the English Protectorate, with Lord Protector Oliver Cromwell at its head. In its later years the Protectorate drew striking parallels to the despotic monarchy that it replaced. As Cromwell's health began to fail in the later years of the Protectorate, this raised concerns about a clear and stable succession and prompted the second Protectorate Parliament to offer Cromwell the title of king. It was Cromwell's resistance to this hereditary succession and royal title that kept the issue of succession at the forefront of Protectorate politics for its final years.<sup>104</sup> With the death of Oliver Cromwell on September 3<sup>rd</sup>, 1658, his son Richard succeeded him as Lord Protector. Richard did not have the political backing to be a strong head of state and resigned from his position as Lord Protector on May 25<sup>th</sup>, 1659, not even a year after taking the office. George Monck, commander-in-chief of the Parliamentary forces in Scotland,

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<sup>101</sup> Wedgewood, *The Trial of Charles I*, 152.

<sup>102</sup> Blencowe, *Sydney Papers*, 54.

<sup>103</sup> Wedgewood, *The Trial of King Charles I*, 185-186.

<sup>104</sup> Fitzgibbons, "The Offer of the Crown Reconsidered", 1125-1127.

seized London during the political chaos that followed Richard's abdication and attempted to restore order to the Protectorate and Parliament. One of the means for doing this was that he allowed for previously purged MPs to return to Parliament, bringing in a surge of Royalist support in the Commons. This strong Royalist presence in Parliament enacted legislation that reorganized itself and invited Charles I's heir back to England, offering him the crown. He accepted, and in late May of 1660 Charles II was crowned King of England.<sup>105</sup> This experiment with republicanism survived little more than a decade.

Charles II ruled England for the next two and a half decades. For many Englishmen, this represented the return to normalcy after twenty years of civil war and interregnum. However, many of the Commonwealth's developments in raising tax revenue and expanding trade were adopted by the Stuart monarchy. However, Charles II and his successor James II would struggle to achieve major foreign policy objectives due to the same reasons that Charles I had struggled to achieve his goals: they chose not to compromise with Parliament to obtain tax grants.<sup>106</sup>

With no legitimate children as heirs, the crown passed to his Catholic brother James II upon the death of Charles II. When James successfully sired a son, the potential for a Catholic dynasty to return to England provoked widespread fear. English politicians began negotiations with William of Orange, the devoutly Protestant ruler of the Netherlands and husband to James II's Protestant daughter Mary. They discussed with William the prospect of a Dutch invasion and deposition of James. In June 1688, several politicians sent William a formal invitation to invade, which he did in November. English support for James melted away, and by late January 1689

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<sup>105</sup> Keeble, *The Restoration*, 1-46.

<sup>106</sup> Miller, *The Restoration and the England of Charles II*, 87-91.

William III and Mary II were declared the rightful King and Queen regents of England by Parliament.

While monarchy remained a powerful institution in England after both the Restoration and the Glorious Revolution, the idea that the power of the monarch is derived from his subjects became more embedded in English political culture with each clash. With the death of Charles I, the Parliamentarians established a new English Commonwealth. The Commonwealth sought to legitimize its existence and engaged in philosophical battle with pro-monarchy philosophers. John Milton, made Secretary for Foreign Tongues for the Commonwealth in March of 1649, published several pro-republican works. *The Tenure of Kings and Magistrates* defends constitutionalism, the rights of subjects, and the privilege of subjects to execute their sovereign, *Eikonoklastes* engages with the arguments of the *Eikon Basilike*, and *Defensio pro Populi Anglicano* challenges Royalist intellectual Claudius Salmasius and his views. While some of these works, such as *Eikonoklastes*, did not succeed at turning public opinion in favor of the Commonwealth, these works were published with a public audience in mind.<sup>107</sup> Thomas Hobbes contrasted this in his work *Leviathan*, which argues for the superiority of monarchical government over that of the commonwealth. It also is considered one of the foundational works on the idea of the social contract.<sup>108</sup> In 1689, long after the Restoration, John Locke anonymously published his *Two Treatises of Government*, which also defended the social contract but differed from Hobbes in that it advocated the rights of people to rebel against their government if that contract was breached.<sup>109</sup> These innovative works challenged longstanding sentiments about monarchy and brought once taboo subjects into mainstream political debate.

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<sup>107</sup> Lovett, "Milton's Case for a Free Commonwealth", 466-469.

<sup>108</sup> Martinich, "Natural Sovereignty and Omnipotence in Hobbes's *Leviathan*", 29-36.

<sup>109</sup> Waldron, "John Locke: Social Contract versus Political Anthropology", 3-7.

The Restoration brought an end to England's experiment with republican rule, but the damage to the authority of the monarchy was complete. The 1688 Glorious Revolution and 1689 Bill of Rights restricted the powers of the King more than ever before and the constitutional limits on the monarchy were further strengthened.<sup>110</sup> The nearly 500-year-long struggle over the rights of the monarch laid the foundation of effective parliamentary sovereignty that now exists in England. And as Britain built a global empire, these institutions would spread across the globe, too. Kevin Narizny explains the spread of democratic institutions via British global dominance in several "generations":

In the first generation of the international genealogy of democracy, Great Britain sowed the seeds of representative government in its colonies. In the second, Great Britain and its former colonies, led by the United States, worked for the creation, restoration, and consolidation of democratic institutions in their liberated allies and defeated rivals. In recent decades, the British lineage has fostered the rise of a third generation of democracies through multilateral cooperation in international organizations.<sup>111</sup>

The strength of these democratic elements in English government was directly correlated to constitutional limitations upon the power of the monarchy. And the most radical shift towards empowering republican institutions was the execution of Charles I, the temporary abolition of the Stuart monarchy, and the rise of the English Commonwealth.

The decision to execute Charles represented a turning point where a group of MPs and officers made the choice that the King has responsibilities to his subjects and that those subjects have the

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<sup>110</sup> Cruickshanks, *The Glorious Revolution*, 41-43.

<sup>111</sup> Narizny, "Anglo-American Primacy and the Spread of Global Democracy", 364.

authority to act to preserve the balance of this relationship. And further, they needed no King to run the government. By understanding the development of this critical moment and the decision-making process of the regicides, this shift of the role of the monarchy in English government becomes clearer.

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