

Charles Stuart. You are charged with being a tyrant, traitor and murderer; and a public and implacable enemy to the Commonwealth of England.



**Students in pairs**

1. Sort the cards into pairs which directly contradict one another. Decide which card represents the King's view and which the Court's.
2. Identify at least two main themes to the arguments.
3. One student should look at the King's case and the other the Court's case. Sort the cards again, this time in order of strength of argument from most compelling, to weakest.
4. Present your argument to each other. Who has the best case?

<p>This is not a lawful court. The King is at the top of the justice system in England. He cannot be tried in a court.</p>	<p>This is not a lawful court. It was assembled on the orders of just a small number of MPs - the rest were kept out of the House of Commons by the army.</p>
<p>It is the House of Commons who have most power in Parliament. They can assemble the High Court without consulting the House of Lords.</p>	<p>The King gets his power from the people. If he refuses to do what Parliament says then he is breaking the law.</p>
<p>This is a lawful court. It was assembled on the orders of only godly and good MPs - the only ones who could be trusted!</p>	<p>The King has the right to use force to make his subjects obey his command.</p>
<p>The King may not use force against his subjects. If he does then he is committing treason, because he is being the enemy of the people.</p>	<p>This is not a lawful court. It was assembled without the agreement of the House of Lords.</p>
<p>The King is the most powerful person in government. He can make, change or remove laws at will. He cannot be said to have broken the law.</p>	<p>The King is appointed by God and only God can judge him.</p>
<p>The King is appointed by God to do the will of the people. A bad king, who does not do the will of the people, is an ungodly man.</p>	<p>This is a lawful court. The King is allowed to rule by the people of England. The people, represented by this court, are allowed to put him on trial.</p>

## The trial of the king

### Cast:

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- **Charles I** - King of England, Scotland, Wales and Ireland.
- **Judge Bradshaw** - president of the court
- **Colonel Tomlinson** - army officer
- **Sergeant at Arms** - a soldier with the special responsibility of ensuring that order was maintained the courtroom.
- **Mr Cook** - the chief lawyer on the side of the Parliamentarians
- **Clerk of the court** - a court official, responsible for making sure that administrative tasks were carried out properly.

**Judge Bradshaw** Now all the judges are in place and soldiers are stationed around the hall, let us open the doors to allow members of the public to come in and bear witness that this trial is being conducted seriously, paying proper attention to the true laws of this land.

**Colonel Tomlinson** If it please my Lord Judge Bradshaw, I will now take 20 officers with me to collect Charles Stuart and bring him to this court room.

**Judge Bradshaw** Let it be so: we will await him.

**Sergeant at Arms** My Lord Judge: Charles Stuart stands before you now.

**King Charles** (Says nothing, but slowly looks across the whole courtroom and then sits down).

**Judge Bradshaw** Let us open this trial now. Let us first confirm that the correct judges are here.

**Sergeant at Arms** They are all here my Lord.

**Judge Bradshaw** Charles Stuart, King of England, you have been brought here by the Commons of England because of the disaster that you have brought to this kingdom. The Commons are going to test your actions to see whether you should be blamed for the blood that has been shed in our land. For this purpose, this special High Court of Justice has been assembled.

**Mr Cook** As chief prosecutor, I will lay out the case of the Commons.

**King Charles** (Says nothing, but signals at Mr Cook that he should not speak).

**Judge Bradshaw** Speak on, Mr Cook

**Mr Cook** My Lord, I am commanded to charge Charles Stuart, King of England, in the name of the Commons of England, with treason and high misdemeanours. I desire the said charge may be read.

**King Charles** (Says nothing, but again signals at Mr Cook that he should not speak).

**Judge Bradshaw** Speak on, Clerk of the Court

**Clerk of the Court** Charles Stuart, King of England, was given the responsibility of governing according to the laws of the land, for the good of the people and for the preservation of their rights and freedoms. He has wickedly tried to turn himself into a tyrant, answerable to no-one, to overthrow the rights and freedoms of the people. To make this possible, Charles - a traitor to the people - acted evilly by starting war against Parliament and therefore against the people represented by Parliament.

- Judge Bradshaw** Sir, you have now heard your charge read. The court expects your answer.
- King Charles** I would know by what power I am called here, and when I know by what lawful authority, I shall answer. Remember, I am your King – your lawful King – and what sins you bring upon your heads and the judgment of God upon this land, think well upon it – I say think well upon it – before you go further from one sin to a greater. Therefore, let me know by what lawful authority I am seated here and I shall not be unwilling to answer. In the meantime, I shall not betray my trust. I have a trust committed to me by God, by old and lawful descent. I will not betray it to answer to a new unlawful authority.
- Judge Bradshaw** If you had been paying close attention, you would have known by what authority. The authority of the name of the people of England, of which you are the elected King.
- King Charles** No Sir, I deny that.
- Judge Bradshaw** Even if you do not accept that this is a valid court, we will still proceed.
- King Charles** I do not accept this. England is not a kingdom where the people make the decisions, no, it has been a kingdom handed from father to son for nearly a thousand years. So, again, let me know by what authority I am called here. I stand more for the liberty of my people than any here that come to be my pretended judges. And therefore let me know by what lawful authority I am seated here and I will answer. Otherwise, I will not answer.
- Judge Bradshaw** You have been brought here to answer charges, not to ask your own questions.
- King Charles** And I will not answer unless you can convince me that this is a true court.
- Judge Bradshaw** Sir, this court over-rules you because it is the court of the people of England.
- King Charles** And again, I say, show me some historical proof that such a court can exist.
- [Time passes]*
- Judge Bradshaw** We have now spent many days going round and round this argument. I have decided to proceed, even though you will not speak.
- King Charles** I do not accept this is a valid court.
- Judge Bradshaw** We have heard all the witnesses now and this court now judges that, the said Charles Stuart, as a tyrant, traitor, murderer, and public enemy to the good people of this nation, shall be put to death by the severing of his head from his body.
- King Charles** (Shakes his head but does not protest).

### Discussion:

- Was Charles right to refuse to accept the authority of the court?
- Can you think of any other evidence or arguments which might have saved him?