The manuscript journals of the trial of Charles I: new evidence on their provenance and purpose*

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Abstract

Historians of the trial of Charles I will be familiar with the two copies of the manuscript journals kept in The National Archives of the U.K. and the U.K. Parliamentary Archives. Besides these manuscripts, two further copies of the trial proceedings are held in the Beinecke Library, Yale, and in the British Library. This article compares these versions to propose a tentative document history of the journals, suggesting that these manuscripts were produced for different purposes: what began as the basis for an authoritative public account of the trial later became a text intended for a more select legal audience.

Historians of the trial of Charles I will be familiar with the two manuscript journals of the proceedings held in The National Archives, Kew, and the U.K. Parliamentary Archives. The volume in State Papers at Kew was prepared by the clerks of the high court of justice, John Phelps and Andrew Broughton. The version in the Parliamentary Archives was attested to by John Phelps alone and ordered to be engrossed into chancery in March 1651. These journals represent critical sources for understanding Charles I's trial, yet there has been a remarkable lack of investigation into their provenance and a similar absence of consideration of the possible reasons for their creation. Indeed, despite the fact that both original journals can now be accessed in digital copies (The National Archives copy via State Papers Online, the U.K. Parliamentary Archives copy directly through the Parliamentary Archives website), historians continue to make use of incomplete and overtly partisan printed transcriptions of the journals. Both John Nalson's A True Copy of the Journal of the High Court of Justice (1684) and J. G. Muddiman's The Trial of King Charles the First (1928) are transparently Royalist in sympathy: Nalson's work was dedicated to James, duke of York, during the height of the 'Tory Reaction'; Muddiman stated that his task was to document the 'indignities and insults' Charles I had been subjected to.1 Along with the account of the trial reproduced in the posthumously published fourth part of John Rushworth's Historical Collections (1701), these transcriptions also interpolated a great deal of printed material, often without acknowledgement. None of these printed

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1 J. G. Muddiman, The Trial of King Charles the First (Edinburgh, 1928), p. xi. Note that Muddiman also attacks the editors of the Dictionary of National Biography for using material too sympathetic to the regicides in their portraits of these figures (see M. Jenkinson, Culture and Politics at the Court of Charles II: 1660–1685 [Woodbridge, 2010], pp. 38–9).
transcriptions therefore attempted to preserve the integrity of the original journals they were based upon. Indeed, as we will see in the case of Nalson’s *True Copy*, they may not even be a transcription of one of these two recognized journals of the trial.

The failure to return to the original manuscripts has been driven in part by an assumption that the differences between these two journals are minimal and of little significance. The National Archives version (hereafter Kew) and the Parliamentary Archives version of the journal, however, are distinct in both content and intent. Additional and underexplored manuscript copies of the journal in the Beinecke Library, Yale, and the British Library can provide important insights into the creation of both the Parliamentary Archives journal and post-Restoration printed accounts of the trial, specifically John Nalson’s *True Copy*. In this article a speculative timeline of the production of these documents will be offered, outlining the relationship between these texts and other materials in both print and manuscript (Figure 1). The evidence from this manuscript material will be combined with both contemporary and later printed accounts to examine the role of the journals in the English Commonwealth’s attempts to assert its political authority. It will be argued here that both the Kew and Parliamentary Archives journals were created to promote the legitimacy of the high court of justice and, by extension, the Rump parliament. While the Kew journal was fashioned to contribute to parliament’s printed propaganda campaign nationally and internationally, however, the Parliamentary Archives journal was intended for a more select legal audience. As will be shown, these attempts at using the trial of Charles I to promote the authority of England’s new governors were not only unsuccessful but ultimately counterproductive: with the Restoration of monarchy, the wealth of material recorded about the king’s trial provided ample evidence against Charles’s judges.

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All of the manuscript journals were post facto accounts of the trial. For contemporary reports we have to turn to the various newsbook accounts, the majority of which carried the imprimatur of the press licenser Gilbert Mabbott. As Michael Mendle has noted, these were derived from shorthand notes of the trial and gave the public news of the trial with a remarkably short twenty-four- to forty-eight-hour turnaround. The best known of these note-takers is William (later Sir William) Clarke, then secretary to the council of officers. Statements during the trials of the regicides in 1660, however, indicate that, whether authorized or not, there were a number of shorthand writers present.

The reports found in newsbooks remain extremely valuable for historians of the trial as, in some respects, they are more revealing than the manuscript journals. A clear example is in their reporting of the drafting of the charge against the king. The various
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manuscript versions of the trial dryly record that the draft charge was presented on 15 January, followed by the delivery of a revised draft on 19 January before the final version was engrossed on 20 January, the day that the public proceedings of the court began. The newsbook evidence, on the other hand, actually provides some indication of why the initial draft of the charge was rejected by the commissioners, thereby reminding us too that the public had access to reports of the court’s private as well as public sittings. All of the newsbook accounts reported that the initial charge was felt to be too long, with Perfect Occurrences offering the most detail, stating that the draft charge was ‘very large and high, concerning Rochel, Ireland, Scotland, England, betraying, firing, murdering the people’. These accounts suggest, therefore, that the original charge was much broader than the final version, including charges relating to the early years of the king’s reign, and that it did not focus so exclusively on the civil war in England.

The manuscript accounts of the trial, therefore, do not necessarily offer a richer or more reliable version of events. Instead, this manuscript evidence was influenced by newsbook and pamphlet reports of the king’s trial and by the public reception of them in ways that tell us interesting things about the Commonwealth’s battle to assert its authority in public. Indeed, the decision to create a record of the court’s proceedings was arguably closely connected to the fact that the Rump’s reporting of the trial had seriously backfired as a propaganda strategy. On 2 February 1649 the high court of justice ordered a committee of seven commissioners ‘to peruse and consider the whole narrative of the proceedings of the Court’ and to prepare the same for presentation to the house of commons. Clearly, the matter was felt to be urgent, as the committee was to meet with the lord president of the court, John Bradshaw, the following day to discuss the business so that the proceedings could be presented to the Rump on Monday.

6 15 January (The National Archives of the U.K. (hereafter T.N.A.), SP 16/517, fos. 7v–8r; Parliamentary Archives (hereafter P.A.), HL/PO/JO/10/14/11A, membranes 7–8; Yale University, Beinecke Rare Book and Manuscript Library (hereafter ‘Beinecke Library’), Osborn fb146, fo. 11v; and British Library, Harley MS. 4306, fos. 11–12r). 19 January (T.N.A., SP 16/517r, fo. 12r; P.A., HL/PO/JO/10/14/11A, membrane 8; Beinecke Library, Osborn fb146, fo. 14r–v; and Brit. Libr., Harley MS. 4306, fos. 14v–15r). 20 January (T.N.A., SP 16/517, fo. 13r; P.A., HL/PO/JO/10/14/11A, membrane 9; Beinecke Library, Osborn fb146, fo. 14v; and Brit. Libr., Harley MS. 4306, fos. 16r–18r).

7 Perfect Occurrences, cvii, 12–19 Jan. 1649. See also The Moderate, xxvii, 9–16 Jan. 1649; Moderate Intelligencer, cc, 11–18 Jan. 1649; and Perfect Diurnall, ccxxxviii, 15–22 Jan. 1649.
5 February. The narrative of the trial, however, was clearly not ready by this date, as an order from the Commons on 9 February required that the record of the king’s trial be brought before the House forthwith. Significantly, on the same day the Commons also considered an ‘Act for restraining and preventing the printing and publishing of the passages and proceedings of the High Court of Justice’, as well as passing an act forbidding the reporting of the trial of the earl of Cambridge before the high court of justice. Both pieces of legislation were indicative of the Rump’s realization that it had lost the print battle over the legitimacy of the king’s trial: as Jason Peacey has noted, the king’s adept defence had made its own newsbook reports readily adaptable as source material for Royalist writers in both England and continental Europe. Combined, the legislation and the orders for the presentation of the court proceedings indicated a new propaganda strategy that would see tight controls on reporting allied with the production of carefully state-vetted trial narratives.

The production of the trial narrative, however, was clearly not moving at the pace the Commons wished: a further order to bring in the proceedings of the court a week later on 16 February appears to have had no effect. Another order on 30 March from the council of state for the production of the trial proceedings the following Monday makes clear that the proceedings had still not been produced, and that order also seems not to have been fulfilled. In the interim Peter Cole, Francis Tyton and John Playford had published King Charls His Tryal, a complete narrative of the trial, bringing together newsbook reports of the proceedings. The pamphlet was licensed by Mabbott but it was received by George Thomason on 23 February, so was clearly not the account of the trial that the court and the Commons had ordered to be prepared. By November 1649 the Rump had become so sensitive about the reporting of the king’s trial that it ordered the serjeant-at-arms, Edward Dendy, to apprehend Cole, Tyton and Playford for reissuing King Charls His Tryal. As this new edition contained nothing that might be taken as indicating a pro-Royalist slant to the publication, Peacey has argued convincingly that the order given to Dendy demonstrates the general anxiety of the English republic about how reports of the king’s trial could ultimately be exploited by its opponents.

The Rump, however, had not abandoned the idea of producing an authorized narrative of the trial, at least for an international audience. In December 1649 John Milton licensed Histoire Entiere & Veritable du Procez de Charles Stuart, Roy d’Angleterre, which offered a full account of the trial in French. The text appeared in print early in 1650, Thomason receiving his copy on 20 January. Peacey, while noting that the text was licensed, has questioned whether it was authorized by the Rump, observing that the Histoire did praise the king in places. However, the Histoire’s apparently balanced commentary – it

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8 T.N.A., SP 16/517, fo. 47v; and Muddiman, Trial, p. 230.
9 Commons Journal, vi. 135–6, available at British History Online <https://www.british-history.ac.uk/commons-jrnl/vol6/pp135-136> [accessed 3 March 2021].
10 J. Peacey, ‘Reporting a revolution: a failed propaganda campaign’, in The Regicides and the Execution of Charles I, ed. J. Peacey (Basingstoke, 2001), ch. 7, at pp. 172–3.
11 C.J., vi. 143–4, available at British History Online <https://www.british-history.ac.uk/commons-jrnl/vol6/pp143-144> [accessed 3 March 2021].
12 C.J., vi. 176–7, available at British History Online <https://www.british-history.ac.uk/commons-jrnl/vol6/pp176-177> [accessed 3 March 2021].
13 Peacey, ‘Reporting a revolution’, p. 175.
14 Peacey, ‘Reporting a revolution’, pp. 175, 180 n80.
15 References here are to the second edition, received by Thomason on 3 March 1650 (Thomason, E. 1333 [1]; Histoire Entiere & Veritable du Procez de Charles Stuart, Roy d’Angleterre (London, 1650), p. 15; and Peacey, ‘Reporting a revolution’, p. 176).
promised to ‘rapporté le tout sans partialité’ – was actually a strategy designed to throw French Royalists off the scent and avoid the fate of previous parliamentarian productions of being repurposed by their political opponents. Additional evidence from state papers strongly indicates that this was an authorized French translation of the trial proceedings. On 26 February 1650 the admiralty committee issued a warrant to permit ‘Mousr. Rosin to transport customs free the impression of a book in French, relating some proceedings of Parliament against the late king, for dispersion in foreign parts’. Earlier, on 10 January 1650, a note from the council of state had ordered John Coppin to appoint a convoy to accompany the three ships in the Thames bound for Rouen. A letter from the secretary of the Académie Française, Valentin Conrart, to the Calvinist minister André Rivet, dated 22 July 1650, seemingly confirms that these ships were carrying the authorized French translation of the trial. Conrart stated that 1,900 copies of the text had been sent by ship to France but had been seized at Rouen, a report corroborated by a subsequent order of the council of state to set two French ships at liberty, ‘the French having done the like with three English ships they seized at Rouen’.

As both Muddiman and Peacey have noted, the Histoire contained information that was not present in any of the newsbook or pamphlet accounts, such as the witness depositions, and which had to be drawn from official sources. The most likely English source for this printed French account was the Kew manuscript, sometimes referred to as ‘Bradshawe’s journal’. This is a bound volume of manuscripts with the description ‘Trial of King Cha[rle]s 1st’ written on its front and back covers. As Maurice Bond noted, however, that description is not an accurate reflection of the contents of the whole volume, which from folio 48 onwards contains material from 1654. The text that begins here, written in a different hand from the trial journal, appears to be a revision of the first protectoral constitution, the Instrument of Government. Dated 2 November, it was presumably connected to the discussions in parliament in October and November over the detail of the Instrument. From folio 58r to the end of the volume, the manuscript also lists a series of acts ready to be passed. The presence of this material raises the possibility that the journal of the trial itself, contrary to what appears to be indicated by the note from the clerks of the court, Broughton and Phelps, was not produced in 1649. The similarities between the Histoire and

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16 Histoire, ‘Au lectuer’.
17 Calendar of State Papers, Domestic, 1649–50, pp. 522–5, available at British History Online <https://www.british-history.ac.uk/cal-state-papers/domestic/interregnum/1649-50/pp522-525> [accessed 2 March 2021].
18 ‘Warrants’, in Cal. S. P. Dom. 1649–50, pp. 526–70, at p. 564, available at British History Online <https://www.british-history.ac.uk/cal-state-papers/domestic/interregnum/1649-50/pp526-570> [accessed 2 March 2021].
19 Cal. S. P. Dom. 1649–50, p. 525; Valentin Conrart, premier secretaire perpetuel de L’Academié française, Sa vie et sa correspondance, ed R. Kerviler and É. Barthélémy (Paris, 1881), p. 348; and P. A. Knachel, England and the Fronde: the Impact of the English Civil War and Revolution on France (Ithaca, 1967), p. 69.
20 Muddiman, Trial, p. xviii (with title of pamphlet misspelled); and Peacey, ‘Reporting a revolution’, p. 175.
21 The Manuscripts of the House of Lords, new ser., xi: Addenda 1514–1714, ed. M. F. Bond (London, 1962), pp. xviii–xix.
22 B. Coward, The Cromwellian Protectorate (Manchester, 2002), pp. 43–7; Commons Journal, vii. 380–1; and ‘Guibon Goddard’s journal: November 1654’, in Diary of Thomas Burton Esq, i: July 1653–April 1657, ed. J. Towill Rutt (London, 1828), pp. lx–cii, available at British History Online <https://www.british-history.ac.uk/burton-diaries/vol1/lx-cii> [accessed 2 March 2021].
23 This begins with one for ejecting scandalous ministers; an act bearing a similar title was passed in August 1654. See ‘August 1654: an ordinance for ejecting scandalous, ignorant and insufficient ministers and schoolmasters’, in Acts and Ordinances of the Interregnum, 1642–1660, ed. C. H. Firth and R. S. Rait (London, 1911), ii. 968–90, available at British History Online <https://www.british-history.ac.uk/no-series/acts-ordinances-interregnum/pp968-990> [accessed 2 March 2021].
the Kew manuscript, however, suggest that the account of the king’s trial was very likely written between the spring and autumn of 1649.

The Kew manuscript is distinct from the other three manuscript trial journals in terms of both its content and its presentation. The most glaring difference is in the presentation of the exchanges in Westminster Hall between the king and officers of the court. Whereas the Parliamentary Archives, Beinecke and British Library manuscripts all paraphrase and abbreviate these exchanges, the Kew manuscript records them as direct speech with the name of the speaker in the left-hand margin of the text. In this regard, it is much closer to newsbook reports of the trial, a similarity that is perhaps not coincidental. There are other, apparently minor, variations between the texts that may again point to the Kew manuscript being the earliest version of the journal, and which also cast a significantly different light on statements made at the trial. In Bradshaw’s closing speech to Charles I, he refers to the story of the death of Uriah the Hittite (2 Samuel 11), orchestrated by King David, who was having an affair with Uriah’s wife Bathsheba. In the Kew manuscript Bradshaw is recorded as telling Charles, ‘Truly Sir, the story tells us That hee was a Repentant King, & it Signified enough that hee had died for it [meaning the death of Uriah] but that God was pleased to accept of him, and to give him his Pardon’.24 In this version of Bradshaw’s speech there remains some ambiguity. Admittedly, the use of this biblical example of God forgiving a blood-guilty king comes after Bradshaw’s earlier comparison of Charles with classical tyrants such as Caligula. Nonetheless, in the Kew manuscript it remains possible to read this as an injunction to Charles to repent of his ‘bloodguiltiness’ and thereby spare his life.25 This reading could be supported by accounts of a last-minute reprieve being offered to the king.26 This ambiguity, however, is closed off in the Beinecke, British Library and Parliamentary Archives versions of the journals. Here, in a much-abbreviated version of Bradshaw’s speech, the lord president’s direction to Charles to repent is to enable him ‘to prepare for his eternall Condition’.27

Other details suggest that the Kew manuscript represents the first iteration of the journal, which was then tidied up in the later versions. For example, in the Kew list of commissioners present on 25 January, one commissioner is recorded only by surname, ‘Wilde’, and is rather crammed in to the bottom of the list as if as an afterthought. (Indeed, Muddiman misses this commissioner’s name in his transcription of the journal.) In the other three versions of the journal, the name of this commissioner, Edmund Wilde, is given in full.28 Yet, although other small variations in spelling are present, there is a remarkable consistency in the way in which the four journals report the private sittings of the court, indicating again either that the Kew manuscript provided the foundation for the other versions of the journal that followed or that there was a common set of trial notes from which all of these manuscripts were derived.

24 T.N.A., SP 16/517, fo. 42v.
25 It should be noted, however, that Bradshaw in this version of the journal closes with a quotation from 2 Samuel xii:14, in which God tells David that though his life will be spared, because he has given occasion to the enemies of God to blaspheme, ‘the child also that is born unto thee shall surely die’ (K.J.V.). Was this an implicit threat to Charles’s family, perhaps his eldest son, indicating that Bradshaw was following the approach of the army Remonstrance of November 1648? (T.N.A., SP 16/517, fo. 42v).
26 S. Kelsey, ‘The death of Charles I’, Historical Journal, xlv (2002), 727–54, at p. 749; and J. Raymond, ‘Rushworth [Rushforth], John (c. 1612–1690)’, O.D.N.B., doi: 10.1093/refodnb/24288.
27 P.A., HL/PO/JO/10/14/11A, membrane 25; Beinecke Library, Osborn fb146, fo. 43v; and Brit. Libr., Harley MS. 4306, fo. 46v.
28 T.N.A., SP 16/517, fo. 26v; Muddiman, Trial, p. 213; P.A., HL/PO/JO/10/14/11A, membrane 16; Beinecke Library, Osborn fb146, fo. 28v; and Brit. Libr., Harley MS. 4306, fo. 30v.
The licensing of the Rump’s authorized French account of the trial in December 1649 excludes three manuscripts from being the source for the *Histoire* (the Beinecke, Harleian and Parliamentary Archives journals). This leaves the Kew manuscript as potentially providing the basis for the French account. Indeed, though it omits some key details, such as the names of commissioners present at each session of the court, the wording of the *Histoire* closely follows that of the Kew manuscript, reporting the king’s exchanges with Bradshaw as direct speech. It follows the Kew manuscript in offering the unexpurgated version of Bradshaw’s closing ‘harangue’ (as the *Histoire* puts it), including its distinctive recording of the story of the death of Uriah the Hittite.²⁹ The *Histoire* also follows the Kew manuscript in its reports of the court’s private sessions. In revealing the court’s inner workings, however, the *Histoire* spins this information to help confirm the king’s guilt to its readers. In contrast to the purely procedural report of the taking of witness depositions in the Kew manuscript, for example, the *Histoire* takes the opportunity to stress that such sworn testimony was ‘tres veritables’.³⁰ The text is not, therefore, a verbatim translation of the Kew manuscript, and in other places it demonstrates the incorporation of some material from English newsbooks.³¹ The duodecimo edition of the *Histoire* makes clear that its apparent even-handedness is deceptive: it informs its readers that Charles was accused not only of the crimes outlined in the charge made in court, but of many other crimes and offences that, it says, are enumerated in parliament’s declaration justifying the vote of no addresses (which includes the extraordinary allegation that Charles covered up the poisoning of James I by the duke of Buckingham) and in the Commons’ declaration of 18 January 1649, which explains the abandonment of the Treaty of Newport.³² Both declarations are provided in translation at the end of the work.

Despite these similarities, we cannot definitively identify the Kew manuscript as the source of the *Histoire*. For one thing, the distinctive rendering of the story of Uriah the Hittite that features in both the Kew manuscript and the *Histoire* was also used earlier in Gilbert Mabbott’s *King Charles His Tryal*, published, as we have seen, in February 1649.³³ This suggests either that Mabbott and the compiler of the Kew manuscript were working from common materials or that the Kew manuscript and possibly the *Histoire* incorporated material from this printed account of the king’s trial. Another manuscript version of the trial also raises further issues with seeing the Kew manuscript as the basis for the *Histoire*. The Beinecke manuscript has attracted relatively little attention from scholars of the trial, although Alan Orr has referred to it in his *Treason and the State*.³⁴ In contrast to the Kew manuscript, the Beinecke version of the journal appears to be still in draft form. The Beinecke holds no information concerning the provenance of this

²⁹ See *Histoire*, p. 69, for the beginning of the ‘harangue’. The story of Uriah the Hittite appears on p. 84, with the biblical citation in the margin.

³⁰ *Histoire*, p. 43.

³¹ See, e.g., the report of those still in Westminster Hall being told that the court was sitting in private on 24 January to hear witness testimony (*Histoire*, p. 42), which does not appear in the Kew journal but was reported in *Perfect Diurnall*, cclxxxvii, 22–29 Jan. 1649.

³² *Histoire*, p. 161; *English Short Title Catalogue* (hereafter *E.S.T.C.*), no. R.235529. This article refers to the British Library copy, 1472. aa. 13, not noted by the *E.S.T.C.* For a detailed exploration of this allegation, see A. Bellany and T. Cogwell, *The Murder of King James I* (New Haven, Conn., 2015). The use of the claim in propaganda defending the regicide and later the Commonwealth is discussed in ch. 21 and 22.

³³ *King Charls His Tryal: or, a Perfect Narrative of the Whole Proceedings of the High Court of Justice* (London, 1649), p. 44 (Thomason, E. 545/5).

³⁴ D. A. Orr, *Treason and the State: Law, Politics and Ideology in the English Civil War* (Cambridge, 2002), pp. 187, 190, 193, 199.
unbound paper manuscript, although an indication of the date is given in the statement on its opening page that the text was ‘Read xi imo Decembr 1650’. The text then begins, as in the Kew manuscript, with the title ‘A journall of the proceedinges …’, followed by the act establishing the high court of justice.\(^\text{35}\) In terms of its presentation, the Beinecke manuscript is formatted more like the Parliamentary Archives journal, with the names of commissioners typically appearing in rows rather than columns (as in the Kew manuscript). Like the Kew manuscript, however, the Beinecke manuscript is not completely devoted to recording the proceedings of the king’s trial. From fo. 51 until the end of the manuscript, a series of orders relating to security are recorded, beginning with an order to apprehend any who maintain that Charles Stuart (meaning Charles II) is king. Considering the similarities of content and formatting with the Parliamentary Archives journal and the note concerning the reading of the manuscript, it seems probable that the Beinecke manuscript was part of the documentation produced in preparation for the presentation of the proceedings of the high court of justice to the Commons on 12 December 1650.

In contrast to the other three versions of the journal, the Beinecke manuscript contains a number of blank pages and apparent false starts, as well as directions for the insertion of trial materials, such as the names of the witnesses: ‘Here write the rest of the names [?] of the witnesses w[h]ich yow shall find in a loose sheete of paper afor the w[ri]tt [?] for exacucon of the Kinge’.\(^\text{36}\) As the note indicates, the names of the witnesses can be found on the reverse of the text of the king’s death warrant. Directions of this kind and breaks in the journal (for example, in the recording of witness depositions) suggest that the manuscript was rather hurriedly copied from a range of other documentation.\(^\text{37}\) If this was the case, it raises the question of why the Kew manuscript was not employed as the source instead. As we will see, the answer here may lie in the different purposes behind the creation of these manuscript journals.

Here it will be argued that, unlike the Kew manuscript, the Beinecke, British Library and Parliamentary Archives journals were not intended to form the basis of a printed account of the trial. The Rump had seen the value of publishing an account including material from the private sessions of the court (notably the witness testimony, which had been reported only in brief summaries in English newsbooks) for an international audience. Yet it did not adopt the strategy in England. As far as we can tell, the names of the witnesses, let alone their depositions, did not appear in print before 1660. Two broadsides including the names of the witnesses that were previously dated by the English Short Title Catalogue as printed in 1649 can be confidently placed as having been produced in 1660. A Transcript of the Names of So Many of Those Commissioners as Sate and Sentenced the Late King Charles of Blessed Memory to Death (n.d., n.p.) was mentioned as being published in March of that year in Thomas Rugg’s ‘Diurnal’.\(^\text{38}\) The rare broadside A List of the Names of Those Pretended Judges … and Also of Those 35 Witnesses (Figure 2) also appears to be a post-Restoration production. The woodcut, unlike the graphic European prints created immediately after the king’s execution, displays Charles

\(^{35}\) Beinecke Library, Osborn fb146, fo. 2r.

\(^{36}\) Beinecke Library, Osborn fb146, fo. 24v. The list does appear on the reverse of the version of the death warrant included in the manuscript (fo. 47v). The names of some witnesses (Gooch, Price and Loads) are absent, as are biographical details for two witnesses (Potts and Young).

\(^{37}\) Beinecke Library, Osborn fb146, fo. 29v, where the testimony of the first witness (William Cuthbert) breaks off, only to begin again on fo. 30r, and again in the case of Richard Price on fo. 37v, with the deposition starting again on fo. 38r.

\(^{38}\) Diurnal of Thomas Rugg, ed. W. L. Sachse (London, 1961), pp. 56–8.
A LIST of the Names of those pretended Judges who Sat, and Sentenced to Death, Our Sovereign King CHARLES the First, in the Place which they called the High-Court of Justice, January 27, 1648. And also of those 35 Witneses Sworn against the said KING: The Sentence read against him: With the Catalogue of the Names of those that Subscribed and Sealed for his Execution, and the manner of his Cruel Martyr.

**The ROYAL MARTYR upon the Scaffold at WHITEHALL.**

The true manner of procuring to Murder the KING, according to the Sentence given, is a sublet.

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**Figure 2. A List of the Names of Those Pretended Judges Who Sat and Sentenced to Death, Our Sovereign King Charles the First (1660); Wing dates as 1649; Huntington Library, 183905.** Excerpts produced by ProQuest as part of Early English Books Online. Excerpts published with permission of ProQuest. Further reproduction is prohibited without permission.

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I am grateful to Helen Pierce for her comments regarding the broadside’s illustration and to Angela McShane and Stephen Tabor for discussions on its probable publication date.

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In a martyr pose with his hand on his heart, a stance more common in post-Restoration images of the regicide. Equally, the bookseller associated with a number of editions of a variant title of the same broadside (Edward Thomas) appears to have begun his career in a martyr pose with his hand on his heart, a stance more common in post-Restoration images of the regicide. Equally, the bookseller associated with a number of editions of a variant title of the same broadside (Edward Thomas) appears to have begun his career.
only in the late 1650s. Finally, a likely post-regicide publication date is indicated by a Dutch copy of the broadside, published by Hugo Allard in Amsterdam in 1660. It is possible, however, that information regarding the witnesses’ names circulated in manuscript immediately after the king’s execution. Two manuscripts written in the same hand and held in the Derbyshire Record Office and the William Andrews Clark Memorial Library, U.C.L.A., include details of the witnesses’ names and may demonstrate that information about the court’s inner workings was circulating in scribal form (Figures 3 and 4). The manuscripts do not appear to have derived their information from any post-1660 printed accounts or broadsides. The Derbyshire Record Office copy is part of the papers of Sir John Gell, and Gell’s papers contain a significant amount of other material related to the king’s execution. For example, the papers also contain copies of the ‘Lawrans’ newsletters concerning the king’s trial, which are now part of the Clarendon manuscripts in the Bodleian Library. Further evidence that unpublished details of the trial were circulating in manuscript can be found in the papers of the Royalist antiquary Elias Ashmole. In August 1651 Ashmole recorded that he had begun to write the ‘manuscript of the great trial’. This account is very similar to that preserved in state papers, including details of the witness depositions and Bradshaw’s closing argument in full. Material evidence indicates that the volume was collected from single sheets of notes: the manuscript consists of sixteen sheets of folio paper, folded into quarto. This may indicate that the manuscript was prepared in a manner that would allow it to be circulated surreptitiously and easily concealed if necessary. Analysis of a portion of the manuscript by Frances Henderson indicates that Ashmole was copying from another written account rather than recording speech: he used none of the methods normally employed by shorthand writers to speed up the transcription process, such as omitting punctuation. Ashmole would later produce a longhand version of the trial account, a task that the marginal notes indicate he did not complete until at least the 1680s.

40 H. R. Plomer, *A Dictionary of the Booksellers and Printers Who Were at Work in England, Scotland and Ireland From 1641 to 1667* (London, 1907), p. 176.
41 J. R. Paas, *The German Political Broadsheet 1600–1700*, viii: 1649–1661 (Wiesbaden, 2005), p. 395.
42 U.C.L.A., William Andrews Clark Memorial Library, Misc. MSS., ‘A part of the journal of the true proceedings of the High Court of Justice’, 22–30 Jan. 1649; and Derbyshire Record Office (hereafter ‘Derbyshire R.O.’), D258/10/29/6–7. I am grateful to Sean Kelsey for directing me to the Derbyshire MS. Unfortunately, the Clark Library has no information on the provenance of the fragmentary manuscript other than that it was purchased from Winifred Myers on 24 August 1973. There are some similarities between these manuscripts and the post-Restoration work *A Catalogue of the Names of So Many of Those Commissioners Who Sate and Sentenced the Late King Charles to Death* ([London], 1660; Thomason, E. 1017 [7]), but these are not close enough to suggest both manuscripts are post-Restoration copies from print.
43 J. T. Peacey, ‘Marchamont Nedham and the Lawrans letters’, *Bodleian Library Record*, xvii (2000), 25–34; and Derbyshire R.O., D 3287/44/4/6, ‘Journal about events in the English Civil War, possibly by Sir John Gell’. I am grateful to Joel Halcomb for pointing me to these newsletters.
44 Elias Ashmole: *His Autobiographical and Historical Notes, His Correspondence, and Other Contemporary Sources Relating to His Life and Work*, ii: *Texts 1617–1666*, ed. C. H. Josten (Oxford, 1967), pp. 382–3; and Oxford, Bodleian Library, (hereafter ‘Bodl. Libr.’), Ashmolean MS. 367, transcribed by Ashmole in Ashmolean MS. 1158 and noted in Kelsey, ‘Death of Charles I’, p. 750 n110. Like ‘Bradshawe’s journal’, it transcribes the courtroom discussions as direct speech and follows the state papers version of the story of Uriah the Hittite. For the physical properties of the manuscript, see W. H. Black, *A Descriptive, Analytical and Critical Catalogue of the Manuscripts Bequeathed unto the University of Oxford by Elias Ashmole, Esq.* (Oxford, 1845), p. 282. The sheets also appear to have been previously folded into thin strips, with four or five creases running down the length of each page.
45 I am very grateful to Frances Henderson for undertaking an analysis of the first folio of this manuscript and for her thoughts regarding its form. Due to Covid restrictions it has not been possible to compare this with other shorthand manuscripts by Ashmole, so my comments here follow Josten in identifying him as the creator of this manuscript. Marginal notes within Ashmolean MS. 1158 refer to texts such as Whitelocke’s *Memorials* and Nelson’s *True Copy*, not published until 1682 and 1684, respectively. For examples, see Bodl. Libr., Ashmolean MS. 1158, fos. 3v, 34v.
Figure 3. ‘Names of judges who tried Charles I and witnesses who gave evidence’ (Derbyshire Record Office, D258/10/29/6-7). Author image licensed by permission of Derbyshire Record Office.
Figure 4. ‘A part of the journal of the true proceedings of the High Court of Justice, 1649 January 22–30’ (U.C.L.A., William Andrews Clark Memorial Library, Misc. MSS.). Image reproduced by permission of The William Andrews Clark Memorial Library, University of California, Los Angeles.
We also know from the trials of the regicides in 1660 not only that printed lists of the commissioners were circulating during January 1649 but also that these lists were being used by those present at the trial to help identify which commissioners were present on which day.\textsuperscript{46}

The lack of an equivalent authorized English account of the trial fully incorporating material such as the witness depositions was arguably a result of the increasing use of trial records, including witness testimony, by the regime’s opponents. John Lilburne, at his trial for treason, started the trend of defendants employing shorthand note-takers to produce a record, given that the Commonwealth had now moved towards restricting reporting of its ‘state trials’. In Lilburne’s case this ensured that not only his legal but also his rhetorical triumph over his opponents was fully documented.\textsuperscript{47} Other defendants and their supporters used print to directly attack the credibility of the witnesses brought against them. Sir John Gell denounced a key deponent in his trial, Captain John Bernard, as a Cavalier, a papist and a reputed Jesuit who had plotted against the Commonwealth.\textsuperscript{48} Clement Walker, in the third part of his \textit{History of Independency}, alleged that Bernard had been given financial inducements to testify.\textsuperscript{49} It was notable that though Bernard responded in print to these allegations, he did not directly refute the charges either that he was a Catholic or that he had once been a Cavalier.\textsuperscript{50} Indeed, a later petition from Bernard to Oliver Cromwell, in which Bernard effectively admitted acting as an agent provocateur for the regime, gives further credibility to Gell’s accusations.\textsuperscript{51} Similar attacks on witness testimony would be launched during the trial of Christopher Love in 1651.\textsuperscript{52} (Love, who had attended Lilburne’s trial in 1649, also hired the celebrated shorthand writer John Farthing to document his case.)\textsuperscript{53} The use of transcriptions of the court proceedings seems to have been such an effective weapon against the Commonwealth that, in the case of John Gibbons (also tried in 1651), it resorted to seizing the papers of Gibbons’s notary in an attempt to frustrate the publication of his account of the trial.\textsuperscript{54}

\textsuperscript{46} \textit{An Exact and Most Impartial Acompt}, p. 61. During the trial of Adrian Scrope, a ‘Mr Carr’ testified that he had used such a list to mark Scrope as being present, effectively employing it as a kind of register. (Other witnesses testified that there was a ‘roll call’ of commissioners for each session of the court (\textit{An Exact and Most Impartial Acompt}, p. 64.)) This was possibly the broadside \textit{A List of the Names of the Judges of the High Court of Justice for Triall of the KING} ([London], 1649).

\textsuperscript{47} Mendle, ‘Pamphlet culture’, p. 67.

\textsuperscript{48} \textit{The True Case of the State of Sir John Gell} ([London], 1650), p. 4.

\textsuperscript{49} [C. Walker], \textit{The High Court of Justice; or Cromvells New Slaughter House in England} ([London, 1651]), p. 34.

\textsuperscript{50} J. Bernard, \textit{A True Confutation of a Fals and Scandalous Pamphlet, Entituled, The True State of the Case of Sir John Gell, Lately Published to Deceiv the People} (London 1650). Bernard was probably serving in the parliamentary army in Scotland at this time: a Capt. John Bernard is listed as part of the cavalry serving in Scotland, disbanded in 1651–2. See M. Wanklyn, \textit{Reconstructing the New Model Army} (2 vols., Solihull, 2015–16), ii. 256–7, where Wanklyn states that Bernard was in post when the regiment was disbanded in December 1651.

\textsuperscript{51} To His Highness the Lord Protector of England, Scotland and Ireland \\&c. The Humble Petition of Captain John Bernard ([London], 1657); and J. Bernard, \textit{Truths Triumph Over Treacherous Dealing, or, the Innocency of Captain John Bernard} ([s.l., 1657]), p. 1.

\textsuperscript{52} \textit{The Whole Triall of Mr. Love, Before the High Court of Justice in WESTMINSTER Hall. Printed by Exact Copies, of Those Who Took It in Short-Hand. All Published for Publick Satisfaction} ([London], 1652[1651]), pp. 18–26, where Love showed the testimony of the first witness, Potter, to have been coerced and manufactured by Attorney General Steele.

\textsuperscript{53} Mendle, ‘Pamphlet culture’, p. 67.

\textsuperscript{54} \textit{The Triall of Mr John Gibbons in Westminster Hall Before the High Court of Justice, Beginning July 18. 1651} (London, 1652), ‘To the reader’. As the publication of this pamphlet demonstrates, this strategy met with limited success.
Attacking the credibility of witnesses was, of course, a common legal strategy. In attacking the witnesses brought by the Commonwealth, however, Gell, Love and Gibbons were also attacking the legitimacy of the regime’s courts and, by extension, the republic itself. Given the capital that Gell, Love and Gibbons made out of their trials, and out of witness testimony in particular, it is not hard to imagine what Royalist writers could have done with the witness depositions against the king, many of which, as has been shown elsewhere, were provided by soldiers serving in the regiments of trial commissioners, such as John Hewson and John Barkstead.55 By late 1650, therefore, the publishing of trial proceedings had become a weapon of the republic’s opponents rather than, as it had been hoped in January 1649, a means of publicly legitimating parliament’s authority.

Nonetheless, in November 1650 the Commons ordered that a report of the proceedings of the trial of the king should be made to the House.56 This report was then considered by the House a week later on 5 December.57 The delay between this and the initial orders of 1649 relating to the journal has also occasioned little comment, but considering the immediate context in which the parliamentary Archives journal was presented may illuminate the different motivations behind the creation of this version of the trial proceedings.

The Parliamentary Archives text is the only version of the trial journal for which the provenance is relatively clear: this is the ‘engrossed’ version of the journal presented to the Commons on 12 December 1650 and entered into the records of the court of chancery in March 1651. It is formatted as a ‘parliament roll’, recorded on vellum membranes stitched together, rather than in a bound or unbound paper volume, as in the case of the other manuscripts. It concludes, as do the Beinecke and British Library manuscripts, with the attestation of the clerk of the court, John Phelps. After the Restoration, the journal was taken out of the chancery records to facilitate the prosecution of the surviving regicides, and it is now lodged in the Parliamentary Archives. Although this is a far cleaner copy than either the Beinecke or the British Library versions of the journal, like the death warrant of Charles I itself, it continues to betray evidence of erasures and later amendments.

The differences between the Kew manuscript and the Parliamentary Archives journal suggest that each was produced with a different audience and purpose in mind. In contrast to the detailed, vivid accounts of the exchanges in Westminster Hall, the Parliamentary Archives journal offers a drier report of the proceedings, effectively muting Charles’s voice. The more procedural account of the trial offered in the Parliamentary Archives journal was probably shaped by the need for a template for the operation of these new legal institutions. On 7 December 1650 Bulstrode Whitelocke and John Lisle were ordered by the council of state to confer with other members of the high court of justice on the management and procedure of a new high court proposed to be held in Norfolk to deal with the prosecution of individuals involved in an insurrection in the

55 On the witness testimony, see E. Vallance, ‘Testimony, tyranny and treason: the witnesses at Charles I’s trial’, *English Historical Review*, forthcoming (2021).
56 *Commons Journal*, vi 501, available at *British History Online* <https://www.british-history.ac.uk/commons-jrnl/vol6/p501> [accessed 3 March 2021].
57 *Commons Journal*, vi 505, available at *British History Online* <https://www.british-history.ac.uk/commons-jrnl/vol6/p505> [accessed 3 March 2021].
Further orders were issued on 9, 10 and 11 December establishing the remit of the new court and appointing officers. These same orders justified the creation of the Norfolk court on the basis of the weight of business being dealt with by the existing high court of justice and the strong possibility of more Royalist conspiracies further expanding its work. On the same day that the narrative of the king's trial was presented to the Commons, the House was also considering the legislation to establish the new high court of justice in Norwich.

The timing of the presentation of the proceedings of the king's trial to the Commons in December 1650 suggests, therefore, that this was prompted by the need to establish the management and procedure of these courts as their use expanded to deal with the Commonwealth's opponents. Nonetheless, the attention the Parliamentary Archives version of the journal continues to pay to the king's deportment at the trial – his refusal to take off his hat, his use of his cane to attract the attention of John Cook, the withering gaze that he cast upon the president and commissioners – appears out of place if the document was intended largely to provide a manual for the operation of future iterations of the high court of justice. These remarks may provide evidence that the Parliamentary Archives text was still developed with a public audience in mind, to counter Royalist reports of the trial that had made much of king's courageous, eloquent and dignified behaviour in court.

The Parliamentary Archives journal, however, was also produced with a more specialized, legal readership in view. After approving the proceedings, the Commons had ordered that the trial journal should be entered into the records of chancery but also that it should be ‘sent by Mitimus from thence into the Courts of the Upper Bench, Common Pleas, and publick Exchequer, and also to the Custos Rotulorum in the Respective Counties of this Commonwealth, to be recorded in each of them’. One possibility is that the non-procedural details within the journal were retained to demonstrate that Charles had been found guilty, not only because he failed to enter a plea but also, in the words of Bradshaw, on the basis of the king’s ‘contumacie & of that confession wch in Lawe doth arise upon that contumacy’. While historians of the trial have noted the move to treat Charles’s case as pro confesso (as if he had confessed) because of his refusal to plead, only A. W. McIntosh seems to have recognized the significance of the king’s extreme contempt (contumacy) for the court as contributing to his condemnation. Charles’s physically and verbally expressed disdain for the court effectively compounded the contempt already registered by refusing to enter a plea. While notice of the king’s contempt was present in all iterations of the trial journal,

58 T.N.A., SP 25/14, fo. 48r. For the trials, see A. Hopper, ‘The civil wars’, in Norwich Since 1550, ed C. Rawcliffe and R. Wilson (London, 2004), ch. 4, at pp. 112–13. I am grateful to Andy Hopper for sending me a copy of his chapter.
59 T.N.A., SP 25/14, fos. 59r–60r, 71r; and Cal. S. P. Dom. 1650, pp. 450–94, 11 Dec. 1650, available at British History Online [accessed 3 March 2021].
60 Commons Journal, vi. 508, available at British History Online [accessed 3 March 2021].
61 P.A., HL/PO/JO/10/14/11A, membranes 9–10 (including his laughing at the word tyrant).
62 Peacey, ‘Reporting a revolution’, pp. 170–2.
63 As Muddiman notes, there is no evidence that this order was carried out (Muddiman, Trial, pp. ix–x).
64 T.N.A, SP 16/517, fo. 36r.
65 A. W. McIntosh, ‘The death warrant of Charles I: some further historic doubts’ (H.L.R.O. memorandum 66, 1981), available at UK Parliament [accessed 3 March 2021].
it appears even more clearly in the Parliamentary Archives version. For example, in recording the court’s warning to the king on 22 January that his refusal to acknowledge its jurisdiction would be taken as ‘Contumacie’, the Parliamentary Archives version goes further and includes the warning that Charles’s ‘Contumacy and contempt would be recorded’.66 The expansion of this warning is more remarkable given that otherwise the Parliamentary Archives journal here compresses to a mere few lines an interchange that covers four pages in the Kew manuscript. Similarly, in its treatment of the public proceedings on 23 January, the Parliamentary Archives journal omits Cook’s argument that the facts of the case were as clear as the noonday sun but includes the statement that ‘if advantage were taken of his [the king’s] past contempts, nothing would remaine but to pronounce Judgmt’.67

By the winter of 1650 there was a clear need to assert the authority of the republic’s courts. The first business the high court of justice had undertaken after executing the king was to deal with those who were accused of speaking disparaging or even threatening words against the court and its officers.68 As we have seen, as it was considering the account of the king’s trial, the Commons was also establishing the legal machinery to deal with Royalist risings in East Anglia. Many of the Commonwealth’s critics and opponents, from Lilburne to Love, had adopted the king’s strategy of contesting the legitimacy of the Commonwealth’s courts. Moreover, though the Commonwealth had created a test of loyalty (the Engagement) that did not require an acknowledgement of the legitimacy of the regicide, pledging loyalty to the republic was a requirement for defendants or plaintiffs in courts of law.69 The repeated references to the king’s contumacy in the Parliamentary Archives journal, then, may have been intended as a reminder to England’s magistrates of the severe penalties that would be faced by any who contested their authority in a court of law.

Exploring the provenance of these various versions of the trial journal can provide some insights into their probable purpose, as well as helping to explain why the Rump did not receive a full account of the proceedings until December 1650. Examining the detail of these manuscripts may also help us identify the sources for printed accounts of the trial, notably John Nalson’s True Copy. Historians have previously assumed that Nalson’s book was based upon the Parliamentary Archives version of the journal.70 This assumption is drawn from the work’s title page, which states that it was taken from the version of the journal ‘Attested under the hand of Phelps’. The Beinecke and British Library versions of the journal, however, also finish, like the Parliamentary Archives journal, with Phelps’s attestation.71 The British Library manuscript appears to have been overlooked by historians. A short, red, leather-bound volume on paper, the manuscript, in contrast to

66 Compare T.N.A., SP 16/517, fo. 19r; and P.A., HL/PO/JO/10/14/11A, membrane 13.
67 P.A., HL/PO/JO/10/14/11A, membranes 14–15.
68 T.N.A., SP 16/517, fos. 47r–v.
69 E. Vallance, Revolutionary England and the National Covenant: State Oaths, Protestantism and the Political Nation, 1553–1682 (Woodbridge, 2005), p. 169. See also A. Craven, ‘“For the better uniting of this nation”: the 1649 Oath of Engagement and the people of Lancashire’, Historical Research, lxxxiiii (2010), 83–101; and A. Tubb, ‘The engagement controversy: a victory for the English republic’, Historical Research, lxxxix (2016), 42–61.
70 C. V. Wedgewood, A King Condemned: the Trial and Execution of Charles I (rev. edn., London, 2011), p. 234 n. 17; J. Peacey, ‘Introduction’, in Peacey, Regicides, pp. 1–13, at p. 2; and The Trial of Charles I, ed. K. J. Kesselring (Peterborough, Ont., 2016), p. 9.
71 Beinecke Library, Osborn fb146, fo. 50r; and Brit. Libr., Harley MS. 4306, fo. 53r.
the Beinecke and Kew manuscripts, focuses exclusively on the trial. The manuscript may have come from the papers of Henry Scobell, clerk to parliament. In a diary entry of 18 August 1725, Humfrey Wanley, Harley’s librarian, recorded a visit from a ‘Mr Goodwyn’, the executor of ‘Mr Scobell’, who had brought three modern manuscripts to Wanley, along with a matrix seal of the Commonwealth. Although Scobell’s will does not refer to any children, other items from the interregnum, notably a medal of Scobell himself, appear to have been passed down through his family. Besides some variations in spelling, the treatment of the trial is nearly identical to that in the Beinecke and Parliamentary Archives versions, with the interchanges in the public sessions of the court abbreviated and paraphrased. Like the Beinecke journal, it is dated as having been read on 11 December 1650. Although there is some evidence of amendments and additions, it is a much cleaner text than the Beinecke manuscript. In presentational terms, it is closer to the Kew manuscript, giving the names of commissioners in columns, with the social status of the individuals (esquires, knights and so on) indicated in brackets. Cosmetically, then, it appears to be a ‘half-way house’ between the Kew and parliamentary Archives versions. These variations in formatting may provide some important clues to which manuscripts served as the basis for later printed works.

It may also be the Harleian manuscript that was presented to parliament on 12 December, as the Commons Journal reports that this was ‘contained in a Book [my emphasis], entitled “A journal…etc”’. It was also Scobell who had been instructed to send the roll to chancery and who had endorsed the roll as a true record of the trial in March 1651. As we will see, however, it is not possible to be certain about this, as it is highly likely that other versions of this ‘book’ were produced that may also have been the volume presented by the M.P. and former trial commissioner William Say on that day. In addition, we should note that the entry in the Commons Journal records that Say also presented the act establishing the court, the charge against the king and the sentence delivered on 27 January, though whether this was for the Commons to compare with the rendering given in the journal or whether these items were at this stage separated from the book of proceedings is not clear.

Nalson’s True Copy includes the dating ‘Read xi Dec 1650’, found in both the Beinecke and British Library versions but absent from the Parliamentary Archives version. Nalson himself gave no indication of how he gained access to the journal, stating only that it came into his hands by ‘accident, shall I call it, or particular Providence’. This raises the possibility that either the Beinecke or the British Library text provided the basis for his True Copy. There are clear presentational similarities that suggest that the British Library manuscript provided the source for Nalson’s text: not only does the British Library manuscript present the commissioners’ names in columns, unlike the Beinecke text, but

72 The Diary of Humfrey Wanley, 1715–1726, ed. C. E. Wright and R. C. Wright (2 vols., London, 1966), ii. 373. The editors assume that this Scobell was a descendant of Henry (see The Diary of Humfrey Wanley, ii. 460). For Scobell’s will, see S. Kelsey, ‘Scobell, Henry (bap. 1610, d. 1660)’, O.D.N.B., doi: 10.1093/ref:odnb/24845; for the medal, see Medals, Coins, Great Seals and Other Works of Thomas Simon (London, 1780), p. 33.

73 Commons Journal, vi. 508.

74 See the catalogue note for the Parliamentary Archives manuscript available at ‘Engrossment of the official record of the trial of King Charles I’, Parliamentary Archives <https://archives.parliament.uk/collections/getrecord/GB61_HL_PO_JO_10_14_11A> [accessed 3 March 2021].

75 J. Nalson, A True Copy of the Journal of the High Court of Justice for the Tryal of K. Charles I as It Was Read in the House of Commons and Attested Under the Hand of PHELPS Clerk to That Infamous Court (London, 1684).

76 Nalson, A True Copy, p. xv.
Figure 5. J. Nalson, A True Copy of the Journal of the High Court of Justice (London, 1684; Huntington Library, 201761), p. 93. Excerpts produced by ProQuest as part of Early English Books Online. Excerpts published with permission of ProQuest. Further reproduction is prohibited without permission.
it also places Bradshaw’s name across these columns on a number of pages, a distinctive bit of formatting also found in Nalson’s *True Copy* (Figures 5 and 6).  

These similarities are not close enough for the identification to be definitive and, of course, there is the question of how, if this manuscript remained in the possession of the Scobell family, it came for a time to be in Nalson’s hands. Indeed, the entire discussion of the provenance of these books and journals must remain tentative given the evidence that other manuscript accounts of the king’s trial were made. The pamphlet account of the regicides’ trials in 1660 indicates that another full version of the trial journal was in existence at this point. *An Exact and Most Impartial Acompt of the Indictment, Arraignment, Trial, and Judgment (According to Law) of Nine and Twenty Regicides* (1660) began by rehearsing the events of the trial as taken from the commissioners’ own ‘journal book’. The pamphlet went so far as to provide folio numbers for the events mentioned, but these numbers do not appear to match with any of the four manuscripts discussed in this article. The author clearly had access to the *Commons Journals*, which were also incorporated into this narrative of the events of 1649, and if they had access to official sources of this kind, it may be the case that the ‘journal book’ referred to here was the version actually presented to the Commons in December 1650. Equally, given that these were all post facto productions, we must also accept the possibility that these accounts were themselves shaped by earlier printed versions of the trial. Certainly, the *Histoire* represented a hybrid text drawn from a combination of newsbook, pamphlet and official sources. None of these manuscript accounts can therefore be regarded as offering an original or definitive version of the king’s trial. Indeed, there was much that they left out, whether, as we have seen, the basis for narrowing the charge against the king or particular events, such as the presentation of a petition to the court on 22 January 1649 by soldiers calling for justice.

The exploration of the provenance of these manuscripts therefore remains speculative. Nonetheless, at the very least it suggests that a new, critical edition of the trial proceedings is needed, incorporating material from all of the versions of the journal. Any such edition would need to acknowledge that the trial journals were similar to other early modern legal reports in privileging the delivery of a moral (and in this case political) message over accurately and comprehensively recording the trial proceedings. As has been noted earlier, however, there was considerable consistency in the way in which the different manuscripts rendered the trial proceedings, especially the court’s private sittings. Even

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78 For some examples, see Nalson, *A True Copy*, p. 60 (24 Jan. 1649)/Brit. Libr., Harley MS. 4306, fo. 29v; and Nalson, *A True Copy*, p. 82 (26 Jan. 1649 P.M.)/Brit. Libr., Harley MS. 4306, fo. 43v.

79 *An Exact and Most Impartial Acompt*, pp. 3–5.

80 To the Highest and Honourablest Court of Justice in This Nation … the Humble Petition and Engagement of the Souldiers Under the Command of His Excellency, Thomas Lord Fairfax ([London, 1649]); E.S.T.C., no. R.222991. A digital copy of the petition can be found in the digitized Burney collection of early English newspapers (Gale reference no. GALE |Z2001379417); the petition was also noted in the newsbook *A Perfect Summary*, i, 22–29 Jan. 1649. This, however, dated the petition as being presented on 25 January. For further contemporary references, see *The Perfect Weekly Account*, 24–31 Jan. 1649; and D. P. Massarella, ‘The politics of the army, 1647–1660’ (2 vols., unpublished University of York Ph.D thesis, 1977), i. 192. See also T. Vallance, ‘Cromwell, blood guilt and the trial and execution of Charles I’, *Cromwelliana*, 3rd ser., ix (2020), 5–21.

81 P. Lake, ‘Deeds against nature: cheap print, Protestantism and murder in early seventeenth-century England’, in *Culture and Politics in Early Stuart England*, ed. K. Sharpe and P. Lake (Basingstoke, 1994), pp. 257–83, 361–7; and C. Emsley, T. Hitchcock and R. Shoemaker, ‘Publishing history of the Proceedings’, *Old Bailey Proceedings Online* <https://www.oldbaileyonline.org/static/Publishinghistory.jsp> [accessed 3 March 2021]. On early modern legal records, see H. R. French, ‘Legal and judicial sources’, in *Understanding Early Modern Primary Sources*, ed. L. Sangha and J. Willis (London, 2016), ch. 2.
the variation in the presentation of the public proceedings was largely in the omission or compression of material rather than in clear differences in content. Consequently, the manuscript journals do not provide any conclusive evidence concerning the intended outcome of the trial, the subject of much recent historical debate. Paying greater attention to the content and the context of the production of the manuscript journals (so far as it can be determined), it has been argued, can instead provide some insight into the timing of the creation of the ‘official’ version of the journal. Closer analysis of the circumstances in which the Parliamentary Archives journal was produced offers an explanation for why it was only in December 1650 that the proceedings were finally presented and approved by the Commons. Collectively, the manuscripts shed significant light on the Rump’s shifting propaganda strategy, moving from an attempt to find Charles guilty in the court of public opinion, as well as in Westminster Hall, to a design to fashion an ‘authoritative’ narrative that could be used to combat Royalist texts cannibalized from the parliament’s own newsbooks, to a policy of suppression as its opponents came to exploit their courtroom battles with the Commonwealth. It has been suggested that there then came a final shift in the purpose of these journals, from asserting the authority of the Commonwealth before the public to asserting the authority of the Commonwealth in its courts. Ultimately, all these attempts were unsuccessful: it was increasingly the Commonwealth’s opponents who saw value in recording and disseminating the narratives of these ‘state trials’. By 1660 these records would also provide ample evidence of the guilt of the men who had once sentenced their king to death in the name of a sovereign people.

82 See the debate between Clive Holmes and Sean Kelsey on this question (C. Holmes, ‘The trial and execution of Charles I’, Historical Journal, liii (2010), 289–316; S. Kelsey, ‘A riposte to Clive Holmes’ “The trial and execution of Charles I”’, History, cviii (2018), 525–44; S. Kelsey, ‘Instrumenting the trial of Charles I’, Historical Research, xcii (2019), 118–38; and C. Holmes, ‘The remonstrance of the army and the execution of Charles I’, History, cxxv (2019), 585–605).