

# Treason on Trial

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Re-creating Six Compelling Cases from European History

By Gary Parker Schoales



CULVER CITY, CALIFORNIA

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## ● Introduction ●

Daniel Axtell was a twenty-seven-year-old captain in the parliamentary army in 1649, during the English Civil War. He was in command of the soldiers who were charged with guarding King Charles I during his trial and subsequent execution. During the restoration, under Charles II, he was arrested and arraigned for high treason because of his actions during the king's trial and beheading.

### **Objectives**

1. Students will understand why Charles I was tried and executed.
2. Students will understand why, during the Restoration, Charles II felt it necessary to try and condemn all those individuals associated with the death of Charles I.
3. Students will evaluate the use of "just following orders" as a defense.

## Lesson Plan

### Trial Procedure

1. Classroom should be set up as a courtroom (see Diagram).
2. Jury, attorneys, witnesses, and any courtroom spectators should be seated.
3. The four judges (Lord Chief Baron, Lord Hollis, Lord Mallet, and Lord Annesly) enter and the court clerk instructs everyone in the courtroom to "rise."
4. Sir Orlando Bridgeman, Lord Chief Baron, then "charges the jury" with their responsibilities.
5. Sir Orlando Bridgeman, Lord Chief Baron, then instructs the court clerk to read the charges against the defendant, Colonel Axtell, and asks for a plea.
6. Colonel Axtell pleads not guilty, and the trial proceeds according to the following schedule:
  - a. Opening remarks by the prosecutor, Sir Geoffrey Palmer, King's Council
  - b. Direct testimony by the prosecution witnesses (note that the defendant, Colonel Axtell, does not have an attorney, but he may question the witnesses)
  - c. Defense testimony and questioning of the defendant, Colonel Axtell
  - d. Summary remarks by Sir Geoffrey Palmer, King's Council
  - e. Jury retires to deliberate
  - f. Jury returns to the court and Lord Chief Baron asks them for their verdict
  - g. If Colonel Axtell is declared guilty, then Lord Chief Baron should sentence him to be hanged, drawn, and quartered

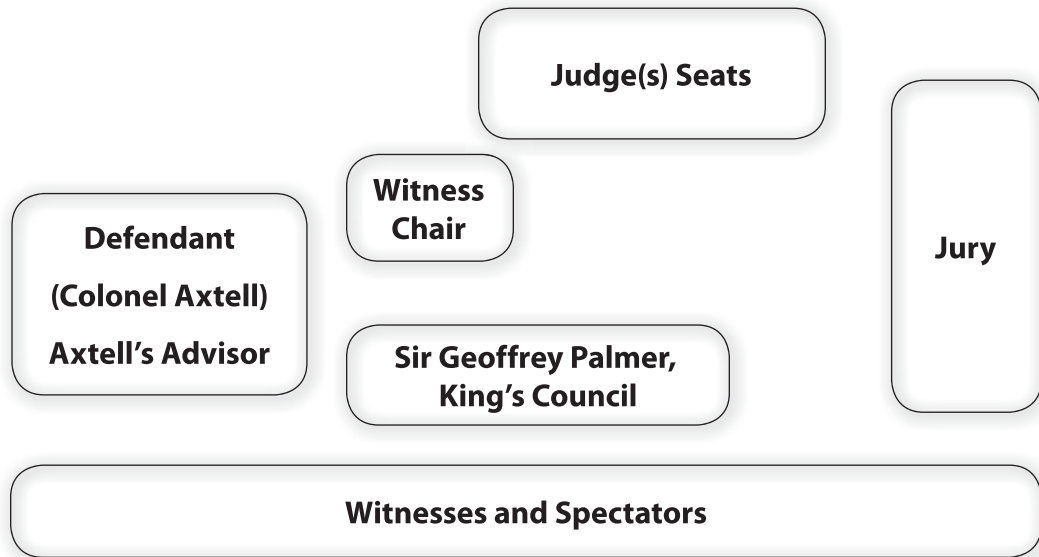


#### **Teaching Tip**

Secretly prime a student to rise at some point in the trial and shout, "Axtell, I hope to see you drawn and quartered for your treason!"



## Diagram of Courtroom Seating



## Notes for the Teacher

1. Read and discuss the Background Essay with students. Tell students that they may use this information during the trial.
2. Assign students specific roles. Note that the roles of Lord Chief Baron, Colonel Axtell, and Sir Geoffrey Palmer, King's Council, are the most demanding. Unless you have a very capable student, it is advisable that the teacher assume the role of Lord Chief Baron.
3. Give students the remainder of the class time to prepare their roles.
4. The four judges and the clerk should meet and discuss their roles and how they plan to run the trial.
5. Sir Jeffrey Palmer, King's Council (the prosecutor) should meet with and prepare his witnesses for testimony.
6. Colonel Axtell and his advisor (a nonhistorical role) should meet and plan his defense. Note that during the trial, Lord Chief Baron (the lead judge) should allow Axtell's advisor to assist him with his testimony.

## Suggested Schedule (role play)

### Day One:

1. Read and discuss the Background Essay.
2. Assign roles and allow the remainder of the class time to begin preparing for the trial.

**Day Two:** Trial.

**Day Three:** Debrief using Discussion Questions.

**Day Four:** Extension Activities.

### **Suggested Schedule (scripted version)**

**Day One:** Read the Background Essay. Assign speaking parts and read the scripted version of the trial. Note that only one judge (Sir Orlando Bridgeman) speaks for the court, and there is also a narrator and a foreman of the jury that have small speaking parts. After reading the scripted trial, conduct the debriefing using the Discussion Questions.

**Day Two:** Extension Activities.

## Roles Grid

Role	Historical Character	Student Name	
<b>Judges</b>	Sir Orlando Bridgeman, Lord Chief Baron		
	Lord Hollis		
	Lord Mallet		
	Lord Annesly		
<b>Clerk of the Crown</b>			
<b>Defendant</b>	Colonel Daniel Axtell		
	Axtell's Advisor		
<b>Prosecutor</b>	Sir Geoffrey Palmer, King's Council		
<b>Witnesses</b>	Holland Sympson		
	Colonel Hercules Huncks		
	Sir Purback Temple		
	Griffith Bodurdoe		
	Richard Young		
	John Jeonar		
	Samuel Burden		
	Edward Cook		
	<b>Jury</b>	Thomas Bide	
		Thomas Snow	
Henry Marsh			
Thomas Bishop			
John Nicoll			
Samuel Harris			
George Plucknet			
William Maynerd			
Thomas Usman			
William Dod			
Robert Sheppard			
Charles Pitfield			

# Background Essay

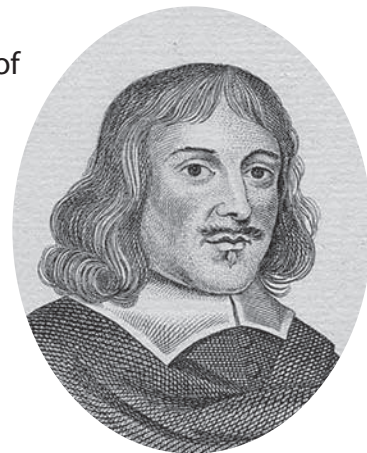
King Charles I, like all the kings and queens that preceded him, was an absolute monarch who believed in rule by "divine right." According to this axiom, the king derived his authority directly from God and so could not be held accountable by any earthly authority. Charles believed he could indiscriminately levy taxes on his people to support his royal lifestyle and wars. The English parliament objected and forced him, under threat of withholding funds, to sign the Petition of Right whereby he promised not to levy direct taxes without the consent of Parliament and not to imprison anyone without due cause. However, in 1629 Charles dismissed Parliament, ignored this petition, and imposed heavy restrictions on the Puritans, a religious sect that wanted to "purify" the Church of England by eliminating certain Catholic rituals.

Charles I was an ineffectual ruler whose misguided policies led to the English Civil War that began in 1642. The king was supported by the upper classes, the Anglican clergy, and most Catholics. The king's opponents (called Roundheads because of their distinctive steel helmets), led by the militant Puritan Oliver Cromwell, soundly defeated Charles's "Cavaliers," first in 1645 at the Battle of Naseby and later in 1648 at Oxford. The Puritan-dominated members of Parliament were now faced with a difficult problem: what to do with Charles I? As long as he remained alive, he remained a threat to the primacy of Parliament.

On New Year's Day, 1649, the half-empty Commons, the so-called Rump Parliament, voted that King Charles had committed treason by levying war upon Parliament. They alleged that Charles had contrived a "wicked design totally to subvert the ancient and fundamental laws and liberties of the nation and . . . had prosecuted a

war for that purpose."<sup>1</sup>

A few days later, a court of 135 commissioners was set up as a special tribunal to try the king. John Bradshaw was nominated as the presiding judge.<sup>2</sup> However, of those named to the commission, only fifty-two chose to serve, with Oliver Cromwell as their acknowledged leader. The indictment against Charles I described him as a tyrant, a traitor, a murderer, and a public and implacable enemy of the Commonwealth of England. He was said to have abused his trust as governor by erecting a tyrannical power and making war against his own people. When one Parliament member dared to question the authority of Parliament to put Charles on trial, Cromwell responded, "I will tell you, we will cut off his head with the crown upon it!"<sup>3</sup> When Bradshaw called on Charles to answer this charge "in the behalf of the Commons assembled in Parliament and the good people of England," the incorrigible Lady Fairfax reputedly called out, "It's a lie, not half, nor a quarter of the people. Oliver Cromwell is the traitor."<sup>4</sup> Colonel Axtell, in charge of the troops in the hall, allegedly lost control and ordered his soldiers to fire into the gallery.



Daniel Axtell

<sup>1</sup> Peter Ackroyd, *Rebellion: The History of England From James I to the Glorious Revolution* (New York: St. Martin's, 2014), 306.

<sup>2</sup> John Bradshaw was an English attorney who accepted the position to serve as the king's judge after several other more notable attorneys and judges refused.

<sup>3</sup> Ackroyd, 306.

<sup>4</sup> Lady Fairfax was the wife of Sir Thomas Fairfax, who was the second in command of the parliamentary army that defeated the king's forces at the Battle of Naseby. He refused to attend the king's trial, but his wife did, and she clearly carried his sentiments regarding the king's guilt into the courtroom.

Image source: *A Series of Four Hundred and Six Historical Portraits to Illustrate Granger's History of England*. Water V. Daniell, 1890.