

CHAPTER X  
THE COUNCILS OF STATE UNDER  
THE COMMONWEALTH

4 JANUARY 1648-9 the house of commons resolved: <sup>1</sup>

That the Commons of *England*, in Parliament assembled, do *Declare*, That the People are, under God, the Original of all just Power:

And do also *Declare*, that the Commons of *England*, in Parliament assembled, being chosen by, and representing the People, have the Supreme Power in the Nation:

And do also *Declare*, That whatsoever is enacted, or declared for Law, by the Commons, in Parliament assembled, hath the Force of Law . . .

6 February, it was resolved "That the House of Peers in Parliament is useless and dangerous, and ought to be abolished: And that an Act be brought in, to that Purpose." <sup>2</sup> Next day followed the resolution: "That it hath been found by Experience, and this House doth declare, That the Office of a King in this Nation, and to have the Power thereof in any Single Person, is unnecessary, burdensome, and dangerous to the Liberty, Safety, and publick Interest of the People of this Nation; and therefore ought to be abolished: And that an Act be brought in, to that Purpose." <sup>3</sup> In March these resolutions were formally enacted. <sup>4</sup>

Meanwhile reconstruction of the government was being attempted. The period that began with the reforms of the Long Parliament and culminated with the execution

<sup>1</sup> *C. J.*, vi. 111.

<sup>2</sup> *Ibid.*, p. 133.

<sup>3</sup> *Ibid.*, p. 132.

<sup>4</sup> *Ibid.*, pp. 166, 168.

of Charles I and the subsequent resolutions in the commons had swept away much of the old organization and the old routine of the government. King, privy council, Star Chamber, court of wards, court of requests, exchequer, lord chancellor, lord treasurer, chancellor of the exchequer, secretaries of state, and other offices and officials were gone.<sup>5</sup> The government of England had been brought completely under the power of the parliament and the army. The army and its leaders were later to take power entirely for themselves; but hitherto government had supposedly been vested in those who continued to sit in the Long Parliament. In carrying on the government this parliament had done executive and administrative work largely through committees of itself, which thus took the place, so far as was desired, of the agencies previously vested with administrative and executive functions. So, the place of king and privy council had been taken by an executive council composed of members of the lords and the commons, styled the committee of both houses, or else the committee of both kingdoms when acting with commissioners from Scotland. Government was therefore mostly in parliament and in committees of the house of lords and of the house of commons, acting under the guidance and direction of a general committee composed of members from both of the houses.

In the reformation of the government now undertaken this system was largely preserved. No single executive was wanted, therefore executive and administrative functions would be vested in a group. Government was to be essentially in parliament, and in a smaller group of parliament's members. There could no longer be a committee of both houses, however, since the house of lords had just been abolished. Such functions, therefore, must be given to a group of members of the commons:

<sup>5</sup> Compare Mary A. E. Green, preface to *Cal. S. P. D.*, 1649-1650, p. vii.

and men began to think of such a group now not as a committee of parliament but rather as a council of state.

7 February 1649 a committee of parliament was appointed to propose names of members for such a council and to draft regulations for it.<sup>6</sup> According to the French ambassador various proposals were brought forward during the debates in this committee. Some suggested that the council should be composed of a hundred members, none of them peers.<sup>7</sup> Others proposed a lesser number. Parliament now contained not more than eighty members. Probably its members, conscious of their weakness, desired to associate with themselves some of the abler of the supporters of parliament among the nobility and the upper classes, along with some of the leaders of the army and also some of the lawyers. Accordingly, when the committee presently decided to recommend that the council of state should consist of forty-one members, it proposed that the members should not be selected from the parliament alone but that peers and others should be capable of sitting. Presently it was arranged that five members of the house of parliament should be chosen to elect forty for a council of state. From these forty parliament should then choose thirty-six, to which number the five electors first chosen should be added, bringing the total to forty-one.<sup>8</sup>

The council was to have large powers in the management of domestic and foreign affairs, but it was rendered completely subordinate to parliament by constituting it for one year only, after which it might be renewed if parliament desired. Afterwards this idea of councils for a year or less was retained. All in all there were eight councils of state under the Commonwealth (1649-53) and

<sup>6</sup> *C. J.*, vi. 133.

<sup>7</sup> Gardiner, *History of the Commonwealth and Protectorate*, i. 4.

<sup>8</sup> M. A. E. Green, *Cal. S. P. D., 1649-1650*, preface, pp. xii-xxi.

three more under the restored Commonwealth (1659-60) after the Protectorate had been overthrown, the eleventh council ceasing to exist when Charles II returned. Under kingship the privy council had been practically a continuous body, though the king might dismiss any or all of its members whenever he desired, and legally a council ceased with the death of a king.

In the four first years of the interregnum there were five successive councils of state:

First Council of State 17 February 1649–16 February 1650

Second Council of State 16 February 1650–15 February 1651

Third Council of State 17 February 1651–30 November 1651

Fourth Council of State 1 December 1651–30 November 1652

Fifth Council of State 1 December 1652–20 April 1653

On the morning of 20 April 1653 Cromwell with his soldiers turned the Rump Parliament out of doors. That afternoon he was told that the council of state was sitting as if nothing extraordinary had happened. He went to their place of meeting. "Gentlemen, if you are met here as private persons, you shall not be disturbed; but if as a Council of State, this is no place for you; and since you cannot but know what was done at the House in the morning, so take notice that the Parliament is dissolved."<sup>9</sup> The writer of a newsletter informed his clients that "The Councill of State, with all commissions, is quite defunct."<sup>10</sup>

The fifth council existed for less than five months. The third, for reasons not stated, was ordained by the com-

<sup>9</sup> *The Memoirs of Edmund Ludlow* (ed. by C. H. Firth, Oxford, 1894), i. 357.

<sup>10</sup> Newsletter from the Clarendon Papers, reprinted in *English Historical Review*, viii. 533 (July 1893).



mons to end with the last of November, and so hold for less than ten months.<sup>11</sup> Each of the others endured for a year. All of them held for brief intervals that betokened uncertainty or unsettled times. Whatever powers were conferred upon them, these councils were but the creatures of parliament, and the executive continued to be weak.

29 April 1653, the remnant of the Long Parliament having been disposed of, the so-called decemvirate of seven military men and three civilians was established as what might be called a sixth council of state. Three members were added to this body in May. According to a contemporary: "The chief officers at present sitt in Council with the General at Whitehall, where the Council of State did sitt formerly, and dayly proposalls of Government are offred, but as yet they are irresolute what to determine though wee are made beleve that for 6 weeks 12 shalbe chosen by the Army."<sup>12</sup> Whitelock, on several occasions after the expulsion of parliament, referred to "*Cromwell and his Council of Officers.*"<sup>13</sup>

4 July the nominated or Barebones parliament assembled, numbering one hundred and twenty members.<sup>14</sup> Cromwell, who had seized power, seemed to resign his dictatorship, telling the new parliament that the council of state, which was indeed his creature, held only during parliament's pleasure.<sup>15</sup> In July parliament established the seventh council of state, 8 July–1 November 1653. This council was designed to continue in power until 3 November.<sup>16</sup> At the beginning of November, when its

<sup>11</sup> *C. J.*, vi. 530.

<sup>12</sup> Newsletter, London, 29 April 1653, from the Clarendon Papers, reprinted in *E. H. R.*, viii. 534.

<sup>13</sup> Bulstrode Whitelock, *Memorials of the English Affairs* (London, 1682), p. 530.

<sup>14</sup> F. A. Inderwick, *The Interregnum* (London, 1891), p. 15.

<sup>15</sup> Gardiner, *History of the Commonwealth and Protectorate*, ii. 235, 237.

<sup>16</sup> *C. J.*, vii. 282-5; S. P. D. *Interregnum*, I 90, 9, 14, 15 July 1653.

tenure was to expire, it was arranged that a new council should be constituted for six months. This eighth council of state, 1 November–10 December 1653, held its last sitting two days before the breaking up of parliament by Cromwell's friends within and his soldiers without, 12 December 1653.<sup>17</sup>

By act of parliament constituting the first council of state there were forty-one members: <sup>18</sup>

The earl of Denbigh	
earl of Mulgrave	
earl of Pembroke	
Lord Grey of Warke	
Henry Rolle	lord chief justice of the upper bench
Oliver St. John	lord chief justice of the common bench
John Wilde	lord chief baron of the exchequer
John Bradshaw	
Thomas, Lord Fairfax	
Lord Grey of Groby	
Oliver Cromwell	
Philip Skippon	
Henry Martin	
Isaac Pennington	alderman of London
Sir Gilbert Pickering	
Rowland Wilson	alderman of London
Anthony Stapeley	
Sir William Masham	
William Heveningham	
Bulstrode Whitelock	
Sir Arthur Haselrig	
Sir James Harrington	

<sup>17</sup> *C. J.*, vii. 363.

<sup>18</sup> *S. P. D.*, Interregnum, I 87, 13 February 1648-9; *C. J.*, vi. 140, 141.

Robert Wallop  
John Hutchinson  
Sir Henry Vane, junior  
Dennis Bond  
Lord Lisle  
Alexander Popham  
Sir John Danvers  
Sir William Armyne  
Valentine Walton  
Sir Henry Mildmay  
William Purefoy  
Sir William Constable  
John Jones  
John Lisle  
Colonel Ludlow  
Thomas Scott  
earl of Salisbury  
Cornelius Holland  
Luke Robinson

Two names proposed—Ireton and Harrison—had been rejected by parliament, and two others chosen instead.<sup>19</sup> The councillors were required to subscribe to an engagement—proposed by Ireton, that they approved the establishment of the high court of justice, the trial and execution of the king, and abolition of kingship and house of lords. At first only the regicides would do this; and in the end adherence of most of the nominees was got only when the engagement was altered. Meanwhile, Lord Grey of Warke declared he could sign nothing emanating from one house of parliament only. Thus the membership was forty, and another member never took his seat. Of the thirty-nine, three members were peers, three judges, and two others—an alderman of London and John Brad-

<sup>19</sup> *C. J.*, vi. 140, 143.

shaw—were not members of the house of commons. There were, accordingly, thirty-one members of the council who were also of the parliament.<sup>20</sup>

12 February 1650 thirty-seven of the members of the first council of state were elected by parliament to constitute a second council. Of the four not chosen for the new council the earl of Pembroke was dead, Lord Grey of Warke had never accepted the engagement, the earl of Mulgrave had not taken his seat, Sir John Danvers had lost favor with parliament by suggesting that the new council should have more power and independence. The earl of Salisbury was now chosen as a new member; and 20 February four others—Thomas Challoner, John Gurdon, Colonel Herbert Morley, and Sir Peter Wentworth.<sup>21</sup> The second council of state, therefore, contained forty-two members.

In February 1651 parliament resolved to reserve twenty seats for new members. Twenty-one members were continued:

Lord Chief Justice Rolle  
 Lord Chief Justice St. John  
 Serjeant Bradshaw  
 Lord General Cromwell  
 Major General Skippon  
 Sir William Masham  
 Lord Commissioner Whitelock  
 Sir Arthur Haselrig  
 Sir James Harrington  
 Sir Henry Vane  
 Dennis Bond  
 Sir William Armyn  
 Colonel Wauton

<sup>20</sup> Gardiner, *History of the Commonwealth and Protectorate*, i. 8.

<sup>21</sup> *C. J.*, vi. 360, 361-3, 369; *S. P. D.*, Interregnum, I 88, 20 February 1649-50.

Sir Henry Mildmay  
 Colonel Purefoy  
 Lord Commissioner Lisle  
 Thomas Scott  
 John Gurdon  
 Lord Grey  
 Sir Gilbert Pickering  
 Thomas Challoner

The twenty new members were

Richard Salwey  
 Alderman Allen  
 Robert Goodwin  
 William Leman  
 Major General Harrison  
 Edmund Prideaux  
 Sir Thomas Widdrington  
 John Carew  
 Sir John Bouchier  
 Sir John Trevor  
 Lieutenant General Fleetwood  
 Henry Darley  
 Thomas Lister  
 William Cawley  
 Walter Strickland  
 Nicholas Love  
 William Say  
 John Fielder  
 George Thompson  
 Sir William Brereton.<sup>22</sup>

The total membership was forty-one, all of whom were in parliament.

In November 1651 a fourth council of state was chosen by parliament. The total membership was forty-one.

<sup>22</sup> *C. J.*, vi. 532, 533.

Twenty-one members were to be continued from the council of state preceding:

The lord general  
Lord Commissioner Whitelock  
Lord Chief Justice St. John  
Sir Henry Vane  
John Gurdon  
Lieutenant General Fleetwood  
Lord Chief Justice Rolle  
Lord Commissioner Lisle  
Serjeant Bradshaw  
Sir Arthur Haselrig  
Dennis Bond  
Thomas Scott  
Colonel William Purefoy  
Colonel Valentine Wauton  
Sir James Harrington  
Sir William Masham  
Thomas Challoner  
Richard Salwey  
Sir Gilbert Pickering  
John Carew  
Nicholas Love

Twenty new members were chosen:

Herbert Morley  
Robert Wallop  
Anthony Stapeley  
Sir Peter Wentworth  
Lord Lisle  
Alexander Popham  
John Corbett  
Abraham Burrell  
William Hay  
Cornelius Holland

Alderman Pennington  
 William Masham  
 John Downes  
 Sir William Constable  
 John Dixwell  
 Henry Nevill  
 Henry Herbert  
 Robert Blake  
 earl of Pembroke  
 Henry Marten <sup>23</sup>

Thirteen of them had not been in any of the councils preceding.

In the fifth council, arranged 24 and 25 November 1652, there were only three members altogether new—Colonel Ingoldsby, Colonel Norton, Colonel Sidney; yet while eighteen members had sat on some one of the first three councils of state, there was now a marked change again, since only twenty-one had been members of the fourth council.<sup>24</sup>

The sixth council of state consisted of

Colonel Robert Bennett  
 John Carew  
 Oliver Cromwell  
 Major General Desborough  
 Major General Harrison  
 Major General Lambert  
 Sir Gilbert Pickering  
 Colonel Stapeley  
 Walter Strickland  
 Colonel William Sydenham

to whom were added during May

Colonel Philip Jones

<sup>23</sup> *C. J.*, vii. 41, 42, 43.

<sup>24</sup> *Ibid.*, pp. 220, 221; *Cal. S. P. D., 1652-1653*, pp. vii, xxviii-xxxiii.

Colonel Matthew Tomlinson  
 Samuel Moyer <sup>25</sup>

Of them five had been members of the fifth council.

In July 1653 parliament established the seventh council of state.<sup>26</sup> 9 July, fourteen members of this council were chosen, including all thirteen of the group preceding:

Lord General Cromwell  
 Major General Lambert  
 Major General Harrison  
 Major General Desborough  
 Colonel Tomlinson  
 Sir Gilbert Pickering  
 Walter Strickland  
 John Carew  
 Colonel Philip Jones  
 Colonel Stapeley  
 Colonel Sydenham  
 Samuel Moyer  
 Colonel Bennett  
 Major Salwey

Any five were to be a quorum.<sup>27</sup> Five days later seventeen other members were added:

Lieutenant General Fleetwood  
 Richard Norton  
 Alderman Titchborne  
 Colonel Hewson  
 John Williams  
 Mr. Howard  
 Mr. H. Lawrence  
 Mr. Hollister  
 Mr. Courtney  
 Viscount Lisle

<sup>25</sup> *Cal. S. P. D., 1652-1653*, preface, pp. xxxiv, xxxv.

<sup>26</sup> *C. J.*, vii. 282-5.

<sup>27</sup> *S. P. D., Interregnum*, I 90, 9 July 1653.



Mr. Broughton  
 Mr. Major  
 Mr. Montagu  
 Mr. Thomas St. Nicholas  
 Sir James Hope  
 Sir Anthony Ashley Cooper  
 Sir Charles Wolseley

of this enlarged council any seven were to be a quorum.<sup>28</sup>

The eighth council also contained thirty-one members, of whom sixteen had been in the council preceding:

Lord General Cromwell  
 Sir Gilbert Pickering  
 Major General Desborough  
 Mr. Strickland  
 Mr. Lawrence  
 Colonel Sydenham  
 Colonel Jones  
 Sir Charles Wolseley  
 Colonel Titchborne  
 Sir Anthony Ashley Cooper  
 Mr. Carew  
 Colonel Montagu  
 Major General Harrison  
 Viscount Lisle  
 Mr. Major  
 Captain Howard

The new members elected by parliament were:

Colonel Rous  
 Sir William Roberts  
 Mr. Sadler  
 Sir Robert King  
 Colonel Henry Cromwell  
 Dr. J. Goddard

<sup>28</sup> *C. J.*, vii. 283, 284, 285; *S. P. D. Interregnum*, I 90, 14, 15 July 1653.

Sir William Brownlow  
Colonel Barton  
Lord Ewre  
Captain Stone  
Colonel George Fleetwood  
Colonel James  
Mr. Anlaby  
Mr. Jervas Bennett  
Colonel Bingham <sup>20</sup>

In fine, the membership of the councils of state, dependent entirely upon choice by parliament, varied considerably from one council to the other. Yet, a considerable nucleus of the same members was found in nearly all of them—the principal break being between the fifth and the sixth councils, after Cromwell had driven the Rump Parliament out, and not a few of the members of councils of state had served on the committee of both houses or the committee of both kingdoms preceding. Altogether, there was almost as much continuity and homogeneity of membership in these several councils of state as there had once been in the privy council over any considerable number of years.

The instructions drawn up 13 February 1649 for the first council of state defined its powers. Its members were authorized to oppose the pretensions of Charles Stuart, eldest son of the late king. They were to direct the militia and armed forces by sea and by land; preserve safety and put down tumults; in any emergency grant commissions and raise armed forces. They were to use all means to reduce to obedience Ireland, Jersey, Guernsey, the Scilly Isles, and the Isle of Man. They were to furnish magazines, build and repair the commonwealth's shipping. They must encourage trade and promote foreign plantations. They were to direct the conduct of foreign affairs,

<sup>20</sup> *C. J.*, vii. 344.

preserving amity with states abroad, sending out ambassadors and agents. In all respects they were to be the council of the commonwealth: "You are to advise and Consult of any thing concerning the good of this Comonwealth and report your opinions concerning the same as you find occasion to the Parliam<sup>t</sup>!"<sup>30</sup> They might send for persons whom they desired to consult, and for any records or writings needed for their information. In case of danger to the commonwealth, they might administer an oath to discover the truth. They might imprison or take bonds from those who offended against parliament or council—a power much like that which the privy council had had. They might charge the public revenue with sums required for foreign negotiations, intelligence, subordinate officers or attendants. They were to observe and execute such further orders as parliament might give from time to time. Unless otherwise ordered by parliament the power committed to the council of state would continue for a year. They might appoint committees or any person or persons for examining, for receiving information, or preparing business. They were to meet that afternoon at Derby House; afterwards at such time and places as they thought fit. It was also provided that each member should subscribe to an engagement before he acted—this the equivalent of a privy councillor's oath.<sup>31</sup>

Additional instructions were given to succeeding councils. In 1651 the third council of state was bidden, in addition to the instructions given to its predecessor, to do various particular things. It was to care for the timber and the wood in the forests of the state. Prevent meetings dangerous to the commonwealth. Care for the library at St. James and the statues and the pictures there. It was to take care of the supplemental pay of the army and the

<sup>30</sup> S. P. D., *Interregnum*, I 87, fo. 12; *C. J.*, vi. 138, 139.

<sup>31</sup> S. P. D., *Interregnum*, I 87, 13 February 1648-9.

extraordinary charges of carrying on the war in Scotland. It was to examine and report on the originals of the powers given by the king of Portugal to the minister sent by him to England. It was to remove twenty miles from London and Westminster persons who might be dangerous. It was to remove from garrisons, cities, and large towns ministers who would not acknowledge the present government by subscribing the engagement. It was to take care that the recruits for Ireland and for Scotland did not have free quarter or commit any abuses.<sup>32</sup>

In July 1653 the instructions to the seventh council of state were much like those given in February 1649 to the first one, except that again several particulars were added: the council was to supervise the felling of timber for the state's ships; prevent meetings dangerous to the safety of the state; take care of the public library at St. James; give warrants for issuing the rest of the money derived from selling fee-farm rents, rendering to parliament account thereof; it was to remove twenty miles from London and Westminster any persons whose abode there seemed prejudicial to the public safety; it was to prevent the mischief of free quarters, and abuses from short marches by soldiers; it was to have all warrants for money fairly engrossed in a book, to be delivered shortly to parliament; it was to encourage fisheries; preserve the timber; and only persons of approved honesty and godliness were to be employed in the council's service.<sup>33</sup> These instructions which were considered and drawn up by parliament were based upon those previously made for the fifth council of state, with some alterations and additions.<sup>34</sup>

Procedure and routine were settled by regulations adopted by the successive councils, all of them much like

<sup>32</sup> S. P. D., *Interregnum*, I 89, 13 February 1650-1.

<sup>33</sup> *Ibid.*, I 90, 9 July 1653.

<sup>34</sup> *C. J.*, vii. 283.

those drawn up by the first council in 1649.<sup>35</sup> Time of meeting, conduct of business, method of procedure were regulated by these rules much as they had been in the rules of the privy council made from time to time under James I and Charles I.

The councils probably met in various places at first, though of this there is not much record. It seems certain, however, that meetings for the most part were held in Whitehall. The first meeting had been arranged to be at Derby House; but immediately parliament directed that Whitehall be prepared for the council.<sup>36</sup> Shortly after notice was to be sent to the lord general to remove the soldiers from Whitehall, that the place might be made ready as parliament had ordered.<sup>37</sup> It was not easy to dispossess the warriors, however. In July the serjeant was told to see that lodgings were provided for the commissioners of the great seal—Whitelock and Lisle—and also for the rest of the council.<sup>38</sup> Another month passed and the council wrote to the lord general that several orders had been given for clearing all persons out of Whitehall, so that lodgings might be provided for the members and their attendants, according to parliament's command; that many officers and others still remained there, thus keeping away councillors, who would like to lay in store of firing and make other preparations; would the lord general, by the following Friday night send off all except officers and soldiers of the guard? <sup>39</sup> Some weeks later the councillors again wrote to Cromwell, that they had issued warrants for removing those who were in Whitehall, to make way for themselves, but no effect had been produced; that an order had been sent to the marshal

<sup>35</sup> S. P. D., Interregnum, I 62, 17 May 1649; *C. J.*, vii. 283.

<sup>36</sup> S. P. D., Interregnum, I 87, 17 March 1648-9.

<sup>37</sup> *Ibid.*, I 62, 13 April 1649.

<sup>38</sup> *Ibid.*, 19 July 1649.

<sup>39</sup> *Ibid.*, I 94, 18 August 1649.

general, but he had rejected it with contempt; they wished the lord general to order his immediate removal, since he was in possession of some of the rooms granted to members of the council.<sup>40</sup> When instructions were being drawn up for the second council of state, in February 1650, parliament bade the council hold its first meeting at Whitehall, then meet where the members thought fit.<sup>41</sup>

In August 1649 the council ordered that all the keys of all the gates and doors of St. James's Park—on which Whitehall abutted—should be delivered to Colonel Pride, and that all doors belonging to private houses that led into the park be nailed up.<sup>42</sup> A little later it was provided that all members of the council should have keys to the garden at Whitehall, and the secretary of the council one also.<sup>43</sup> It was presently arranged that officers should be appointed to keep the privy lodgings and also the chapel at Whitehall, and that all members of the council with lodgings in Whitehall should have hangings and accommodations out of the £ 10,000 worth of goods reserved for the use of the state.<sup>44</sup> It was also ordered "That M<sup>r</sup>: Milton shall have the lodgings that were in the hands of S<sup>r</sup>: John Hipposly in Whitehall for his accomodation as being Secretary to this Councell for forreigne Languages."<sup>45</sup> In February 1650 the serjeant was ordered to see that lamps were set up at convenient places in the galleries about Whitehall, to make the passage convenient to members of the council.<sup>46</sup> A year later: "That the Chamber in Whitehall where the Councell doth now usually sit shall be the ordinary place for the meeting of this Councell."<sup>47</sup>

Various orders went forth for the dignity, comfort, or convenience of the council. In February 1649 parliament

<sup>40</sup> S. P. D., Interregnum, I 94, 15 September 1649. — <sup>41</sup> C. J., vi. 364.

<sup>42</sup> S. P. D., Interregnum, I 63, 30 August 1649.

<sup>43</sup> *Ibid.*, 15 September 1649.

<sup>44</sup> *Ibid.*, 2, 8 November 1649.

<sup>45</sup> *Ibid.*, 19 November 1649.

<sup>46</sup> *Ibid.*, 1 February 1649-50.

<sup>47</sup> *Ibid.*, I 65, 17 February 1650-1.

gave direction that the council should have a great and a lesser seal, the impression on each: "The Seal of the Council of State, appointed by the Parliament of England."<sup>48</sup> In July: "That the mace which is Ordered to be made for the Councell of State shall be guilded as that was which was made for the use of the Parliament."<sup>49</sup> On one occasion £100 was appropriated to provide firewood for the council's use during winter.<sup>50</sup> In April 1650 order was issued for four dozen new chairs to furnish the council chamber, "And that it be referred to the Committee for Whitehall to consider what Chaires are most fit for that service."<sup>51</sup> Some time before order had been given to reserve from the king's goods various hangings, carpets, chairs, stools, and beds, if possible, to be kept for furnishing the lodgings of the council of state.<sup>52</sup>

From time to time directions were given to the guard to ensure privacy for the council. In 1649 the officers of the guard were ordered to see to it that no women who clamored upon the council on pretence of debts due them from parliament should be allowed to enter the building.<sup>53</sup> In February 1650 order was given that no person, unless he were a member of parliament or of the council of state, should stay in the lobby behind the council chamber on any pretence whatever when the council was sitting, that the doors leading to the lobby should be locked during this time and opened only for members of parliament or of the council.<sup>54</sup> At the same time it was provided that twenty men fully armed should be in the guard chamber every afternoon, to attend until the rising of the council.<sup>55</sup>

Meetings of the council of state were frequent. By the first regulations adopted the council was to sit every day,

<sup>48</sup> *C. J.*, vi. 145.

<sup>49</sup> *S. P. D.*, Interregnum, I 62, 4 July 1649.

<sup>50</sup> *Ibid.*, I August 1649.

<sup>51</sup> *Ibid.*, I 64, 11 April 1650.

<sup>52</sup> *Ibid.*, I 63, 31 August 1649.

<sup>53</sup> *Ibid.*, I 62, 4 August 1649.

<sup>54</sup> *Ibid.*, I 63, 1 February 1649-50.

<sup>55</sup> *Ibid.*

except Sunday—which marks in striking fashion the Puritan conception of the Sabbath, since Sunday had been a favorite day for privy council meetings in the period preceding.<sup>56</sup> The rule adopted by the second council of state was similar: a meeting every day except Sunday.<sup>57</sup> Meetings were indeed much more numerous and more regularly held than meetings of the privy council had been. It is estimated that for the period 17 February 1648-9 to 15 February 1649-50—a year lacking one day—there were 319 meetings of the council of state, though on some occasions two meetings were held in one day.<sup>58</sup> From 17 February 1650-1 to 29 November 1651—286 days—there were 249 meetings.<sup>59</sup> From 1 December 1651 to 30 November 1652, exactly a year, there were 330 meetings.<sup>60</sup> From 1 December 1652 to 15 April 1653—that is, 136 days—there were 121 meetings of the fifth council of state.<sup>61</sup>

With such rules and such regularity it is probable that councillors were usually expected to attend from day to day during the week, unless notice was otherwise given. None the less, special summons to meetings sometimes occur: “That all the Members of the Councell be summoned to be at the Councell to morrow morning at eight of the Clock”;<sup>62</sup> “That the Councell doe meet to Morrow at one of the Clocke, in the afternoone; and a Summons is to goe out to the Members of the Councell to that purpose.”<sup>63</sup> On one occasion a council was summoned for eight o’clock Monday morning, and the lord general was particularly desired to come.<sup>64</sup> At another time a

<sup>56</sup> S. P. D., Interregnum, I 62, 17 May 1649.

<sup>57</sup> *Ibid.*, I 64, 27 February 1649-50.

<sup>58</sup> M. A. E. Green, preface to *Cal. S. P. D., 1649-1650*, p. xiv.

<sup>59</sup> Green, preface to *Cal. S. P. D., 1651*, pp. xxv-xxxv.

<sup>60</sup> *Cal. S. P. D., 1651-1652*, preface, p. xxiv.

<sup>61</sup> *Cal. S. P. D., 1652-1653*, preface, pp. xxviii-xxxiii.

<sup>62</sup> S. P. D., Interregnum, I 62, 26 February 1648-9.

<sup>63</sup> *Ibid.*, I 65, 14 March 1650-1.

<sup>64</sup> *Ibid.*, I 29, 19 June 1652.



meeting of the council was appointed for the next afternoon at five o'clock, to receive from the admiralty committee an account of the fleet, the members of the council then in town to have notice.<sup>65</sup>

According to the regulations of the first council meetings were to begin at half past two in the afternoon, and not last beyond half past six, except for affairs of importance.<sup>66</sup> Soon after the council was established a rule had been adopted that no meetings in the morning were to be continued later than nine o'clock on days when parliament was sitting.<sup>67</sup> In 1650 the rule was that the daily meetings were to begin at three in the afternoon and not last beyond six when parliament was in session, save for such business as ought not to be put off till next day.<sup>68</sup> In 1653 it was ordered that the council should sit only in the mornings, from seven o'clock until twelve, or after, if there were cause: and that the committees of the council should sit in the afternoon.<sup>69</sup> That these rules were frequently altered, however, is seen in the regulation made at the first sitting of the last council of state in November 1653, that the council was not to sit past seven in the evening, unless engaged in the debate of some important affair, or unless it seemed necessary for the dispatch of something of concern to the commonwealth, in which case the council was to be moved by the president to give order for sitting until the business was finished.<sup>70</sup>

In relation to the size of the body attendance was good, for the most part better than that of privy councillors before the dispersal of the privy council, and better than afterwards it was when privy council was established again. It had at the beginning been arranged that the

<sup>65</sup> *Ibid.*, I 39, 4 February 1652-3.

<sup>66</sup> *Ibid.*, I 62, 17 May 1649.

<sup>67</sup> *Ibid.*, I 87, 8 March 1648-9; *C. J.*, vi. 158.

<sup>68</sup> *S. P. D.*, Interregnum, I 64, 27 February 1649-50.

<sup>69</sup> *Ibid.*, I 69, 8 June 1653.

<sup>70</sup> *Ibid.*, I 72, 3 November 1653.

quorum should be nine.<sup>71</sup> Of the first council of state, of which nominally the membership was forty-one and actually thirty-nine, the average attendance at meetings has been estimated at nearly fourteen.<sup>72</sup> The membership of the second council was forty-two, the average attendance eighteen; of the third council, of which the membership was forty-one, the average attendance was nearly twenty.<sup>73</sup> Of the fourth council the average attendance at meetings was but little short of sixteen.<sup>74</sup> Of the fifth council it was nineteen. Out of 121 meetings in 1652-3 Bradshaw was present 119 times, Cromwell 55 times.<sup>75</sup> At the thirty-seven meetings of the eighth council of state, 1 November to 10 December 1653, the average attendance was a little short of sixteen, out of a membership of thirty-one.<sup>76</sup> In 1650 the secretary was ordered to give in each Monday a paper containing the names of those who had been present at council meetings each day of the week preceding.<sup>77</sup>

It has sometimes been said that the council of state was so large as compared with parliament that it was able to control what parliament did. It was stated by one who worked much in the records of this time that the average attendance of parliament during the three months before Pride's Purge was one hundred and four, during the three months after that event only fifty-seven. The deduction was that the council of state, numbering nominally forty-one members, could, if it acted together, control parliament of which it was a part; and that, in effect, parliament and council of state referred matters from one to the other

<sup>71</sup> *C. J.*, vi. 143.

<sup>72</sup> Green, *Cal. S. P. D., 1649-1650*, preface, p. xiv.

<sup>73</sup> *Cal. S. P. D., 1650*, preface, p. vii; *Cal. S. P. D., 1651*, preface, p. xxxv.

<sup>74</sup> *Cal. S. P. D., 1651-1652*, preface, p. xxiv.

<sup>75</sup> *Cal. S. P. D., 1652-1653*, preface, p. vii.

<sup>76</sup> *Cal. S. P. D., 1653-1654*, preface, pp. xxxvi, xxxvii.

<sup>77</sup> *S. P. D., Interregnum*, I 64, 27 February 1649-50.

in an effort to shift responsibility.<sup>78</sup> It may be added that during the time of the third council of state, of which the membership was forty-one and the average attendance about twenty, the average attendance at parliament was fifty; that during the time of the fourth council of state the average attendance in parliament was fifty-seven. Gardiner has shown, however, that with respect to some of these figures nothing of significance is to be deduced. He declares that during the first three months of the first council of state—when, as he correctly points out, only thirty-one members sat both in parliament and council of state—while administrative recommendations were almost always accepted as a matter of course and without division by the house, yet when any controversial question was raised, members of the council almost always appeared in parliament as tellers on opposite sides when divisions were taken.<sup>79</sup> From this he deduced that members of the council were far from acting in unison when matters in parliament came to division, and that the division in parliament was much like previous division in the council itself.

At meetings of the council of state were present not only the members of the council who chose to attend, and, sometimes, members of parliament not of the council, but, as had been the case at meetings of the privy council, officials not of the council and outsiders whom the council summoned for information or assistance or for any purpose whatever. In April 1650 a letter from the council to a certain Thomas Swayne of Dorsetshire notified him that he was to attend the council at Whitehall, to confer about matters of importance, he to give notice of his arrival to the secretary of the council.<sup>80</sup> A few days after, the lord

<sup>78</sup> M. A. E. Green, preface to *Cal. S. P. D., 1649-1650*, pp. xii-xxi.

<sup>79</sup> *History of the Commonwealth and Protectorate*, i. 9, 10.

<sup>80</sup> *S. P. D., Interregnum*, I 95, 2 April 1650.

lieutenant of Ireland was desired, for divers important reasons, to come speedily to the council of state, leaving management of his affairs meanwhile in the hands of those whom he thought fit.<sup>81</sup> In 1651 the duke of Richmond was notified that the council had occasion to speak with him about matters of public concern, and wished him to be present the following Tuesday afternoon.<sup>82</sup> In 1653 the council ordered: "That the Lords Com<sup>rs</sup> of the Great Seale bee sent unto to come to the Councell to morrow morning by nine of the Clocke and that they doe cause the Great Seale to bee brought along with them."<sup>83</sup>

In various regulations the order and method of business were carefully arranged. According to the rules made for the first council of state all members were bidden to attend daily unless they had leave of absence. When as many as nine members were present none were to leave until the council arose. No one might remain in any of the private rooms during a sitting of the council. At a meeting letters previously voted upon were to be read, approved, and signed first. Then the letters from abroad, foreign intelligence and other information must be read without any speaking upon them, after which those of most weight or most requiring dispatch should be taken up. Next, committees of the council were to report upon business that had been referred to them. All letters to the council of state were to be opened at the council in the presence of at least three of the members, and then be delivered to the secretary. If letters of importance arrived when the council was not sitting, they might be opened by the president and any two members, who might summon a council about them if that seemed needful. No one was to interrupt a debate with any new business, unless it were business of great importance or where haste was required. No mem-

<sup>81</sup> S. P. D., Interregnum, I 95, 9 April 1650.

<sup>82</sup> *Ibid.*, I 97, 26 December 1651.

<sup>83</sup> *Ibid.*, I 69, 21 June 1653.

bers were to speak of private matters during debate: in such case the president was to call the one interrupting to order, and the speaker pause until the private discourses had ceased. Whatever was propounded, seconded, and supported by a third, was to be put to vote unless a member spoke against it. The results of all the votes were to be recorded in the books of the council, but not the council debates. One day a week must be appointed for petitions, that petitioners might not be wearied with long waiting. The lord president was to enforce obedience to these orders.<sup>84</sup> Similar regulations were adopted next year,<sup>85</sup> and afterwards others like them. In 1653 it was provided that all letters directed to the council should be opened at the council by the "Lord President"; that he should acquaint the council with them, and cause them to be read out at the council, that the necessary answers might be returned.<sup>86</sup>

In the period previous the king or, in his absence, one of the important members of the privy council, such as the archbishop of Canterbury or the lord president, had presided over the council. The office of lord president, existent again from 1621 to 1631 fell into abeyance, and for the council of the king, remained in abeyance until 1679. In the time of the councils of state, however, the office was revived in some fashion, and presently an official appeared with that title. In February 1649, when regulations were being drawn up, it was proposed in parliament "That there shall be a Lord President of the Council of State"; but this was at once voted down.<sup>87</sup> In one of the first meetings of the first council of state a communication was signed by Oliver Cromwell, "*præses pro tempore*";<sup>88</sup> and

<sup>84</sup> *Ibid.*, I 62, 17 May 1649.

<sup>85</sup> *Ibid.*, I 64, 27 February 1649-50.

<sup>86</sup> *Ibid.*, I 71, 14 October 1653.

<sup>87</sup> *C. J.*, vi. 143.

<sup>88</sup> *S. P. D.*, Interregnum, I 94, 20 February 1648-9.

two days later it was arranged that the chairman should sign letters and warrants.<sup>89</sup> Despite the injunction of parliament, shortly afterward, in March 1649, it was ordered "That one of this Councell shall be made choyce of to be President of the Councell." Serjeant Bradshaw was chosen. If the president was absent, yet any nine of the council assembled in the council's place of meeting, should act as a council notwithstanding the president's absence.<sup>90</sup> In February 1650, the second council of state immediately chose Bradshaw as "President of the Councell";<sup>91</sup> and this followed with the assembling of the third council in February 1651.<sup>92</sup>

Presently a change was made. Instead of having a president who held office until displaced or during the period of the council, as had been the case with Bradshaw, it was thought better that a succession of presiding officers should hold, each one for a brief term. In November 1651 parliament resolved that no person of any committee of parliament or of the council of state should for the future be in the chair of such committee or of the council of state longer than one month at a time.<sup>93</sup> At the first meeting of the fourth council in December 1651 it was ordered "That a President shall now be chosen to continue untill this day Moneth."<sup>94</sup> Bradshaw was chosen for four weeks; others followed for similar terms.<sup>95</sup> In April 1653 it was ordered "That Major Gen<sup>l</sup> Lambert be President of the Councell for the weeke next ensuing."<sup>96</sup> In May Major General Desborough was appointed president of the council for fourteen days.<sup>97</sup>

<sup>89</sup> S. P. D., Interregnum, I 62, 22 February 1648-9.

<sup>90</sup> *Ibid.*, 10 March 1648-9.

<sup>91</sup> *Ibid.*, I 64, 18 February 1649-50.

<sup>92</sup> *Ibid.*, I 65, 17 February 1650-1.

<sup>93</sup> C. J., vii. 43.

<sup>94</sup> S. P. D., Interregnum, I 66, 1 December 1651.

<sup>95</sup> *Cal. S. P. D., 1651-1652*, preface, pp. xxiii, xxiv.

<sup>96</sup> S. P. D., Interregnum, I 69, 30 April 1653.

<sup>97</sup> *Ibid.*, 27 May 1653.

The tenure was diminishing and the power was apparently less, but the title was being enhanced, and toward the end of this period the president of the council of state was sometimes called by the title given formerly to the president of the privy council. In 1653, with respect to an order of the council that petitions must be considered by a committee before being presented to the council of state: "The Lord President of the Councill is to take Care that noe Member of the Councill doe any thing to the infringing of this Order."<sup>98</sup> A little later it was ordered "That Col: Mountagu bee appointed Lord President of the Councill for one Weeke longer."<sup>99</sup> In April 1653 it was ordered that "the President of the Councill for the tyme being" should sign such letters and warrants as were made in the council's name, and that the secretary should also sign them, saying that they were signed by order of the council.<sup>100</sup>

For assistance in its work the council of state, as authorized by the regulations, appointed certain officers and assistants. There were now no secretaries of state, though such officials had been zealous and important members of the privy councils of James I and Charles I. The council of state appointed a secretary of the council, a secretary for foreign languages, and others, these secretaries being much like the king's secretaries had been before secretaries of state rose to greatness. In July 1649 it was ordered that the secretary of the council have a salary of forty shillings a day, the assistant secretary, twenty shillings. The secretary was to obtain these sums and also the salaries of the four clerks of the council whom he was to pay, out of such fees payable for council charges as came to his hands.<sup>101</sup> Men afterwards well known held these

<sup>98</sup> *Ibid.*, I 71, 14 October 1653.

<sup>99</sup> *Ibid.*, I 72, 30 November 1653.

<sup>100</sup> *Ibid.*, I 69, 30 April 1653.

<sup>101</sup> *Ibid.*, I 62, 4 July 1649.

positions: in 1652 Walter Frost was succeeded as secretary of the council by John Thurloe.<sup>102</sup> John Milton was secretary for foreign languages to the council.

In 1649 it was ordered that the council secretary should have power, upon any information given to him, to stay any persons whom he might consider dangerous to the commonwealth, and cause them to be brought before the council.<sup>103</sup> That year it was ordered that two men should be allowed to the secretary of the council to be employed by him in secret service.<sup>104</sup> In 1651 the council declared that the secretary was to manage intelligence—secret service both at home and abroad, for the service of the state.<sup>105</sup> In 1653 it was ordered “That M<sup>r</sup> Thurloe doe present to the Councell betweene this and Monday morning next the names of two or three persons whom he shall judge fit to be employed as Assistant to him in the businesse of forreigne affaires, to the end the Councell may out of them make choyce of such of them as they shall judge fit.”<sup>106</sup> About the same time the secretary of the council was ordered to make out weekly an extract of foreign intelligence and send it to Lord Fleetwood—the member of the council of state who was commander of the English forces in Ireland.<sup>107</sup> In the last council of state Thurloe was again appointed secretary to the council, with two assistant secretaries, while Milton was to remain in the same position he had held in the council of state preceding.<sup>108</sup>

The councils of state, as had been the case with the privy council in earlier times, had messengers to serve them. By the council regulations of 1650 it was ordered that whenever the council sat all the messengers of the

<sup>102</sup> S. P. D., Interregnum, I 66, 29 March 1652.

<sup>103</sup> *Ibid.*, I 62, 7 August 1649.

<sup>104</sup> *Ibid.*, I 63, 7 September 1649.

<sup>105</sup> *Ibid.*, I 71, 14 October 1653.

<sup>107</sup> *Ibid.*, 17 October 1653.

<sup>106</sup> *Ibid.*, I 20, 16 June 1651.

<sup>108</sup> *Ibid.*, I 72, 3 November 1653.



council, not being employed by the secretary, should give constant attendance in the room called the backstairs, from three o'clock until the secretary dismissed them.<sup>109</sup>

In February 1649 parliament resolved that every person appointed to the council of state must subscribe to an engagement before he acted as a member.<sup>110</sup> This engagement was rather a particular device by which parliament in uncertain times strove to make sure of the fidelity of those whom it employed than the equivalent of the privy councillor's oath imposed in the past. A few days later the council ordered that the oath of secrecy formerly used by the committee at Derby House should, *mutatis mutandis*, be used by its own members.<sup>111</sup> Accordingly, the councillors took an oath of secrecy, but they were permitted to reveal whatever was debated or spoken except this had been forbidden by the major part of the council.<sup>112</sup> In 1650 when the second council was being arranged, parliament itself appointed an oath of secrecy for the members:

I being nominated, for the Year ensuing, of the Council of State, by this present Parliament, do promise, in the Sight of God, that, through his Grace, I will be faithful in the Performance of the Trust committed to me; and therein faithfully pursue the Instructions given to the said Council by this present Parliament; and not reveal or disclose any thing, in Whole, or in Part, directly or indirectly, that shall be debated or resolved upon in the Council, and ordered to be kept secret by the said Council, without the Command, Direction, or Allowance, of the Parliament, or Council. This oath was to be administered by any three of the council.<sup>113</sup> Nearly similar was the oath of secrecy pre-

<sup>109</sup> *Ibid.*, I 64, 27 February 1649-50.

<sup>110</sup> *C. J.*, vi. 139.

<sup>111</sup> *S. P. D.*, Interregnum, I 62, 23 February 1648-9.

<sup>112</sup> *Ibid.*, I 64, 23 February 1649-50.

<sup>113</sup> *C. J.*, vi. 370.

scribed by parliament for the last council of state in November 1653.<sup>114</sup> In 1650 also it was allowed that any member of the council might relate by word of mouth to any member who had taken the oath of secrecy, any matter debated or resolved at the council, provided he declared to such member that he was under oath of secrecy.<sup>115</sup>

The papers and records of the various councils of state seem to have been taken and kept much as those of the privy council had formerly been. Letters, warrants, orders were drawn up by the clerks and signed by the president or by the president and the secretary. A considerable number of them were doubtless scattered to various places or carried off or forgotten, but numerous books embodied also a more permanent record. They are for the most part order books, with less full information about the proceedings at meetings than is contained in the register of the privy council. In 1653 the council of state commanded: <sup>116</sup>

That all the Orders of the Councell bee entred in a Booke at the Councell and not in loose papers, and that they bee afterwards transcribed into a faire Booke and read at the Councell at the next tyme of their sitting, and noe orders are to bee given out till what is herein ordered bee duely executed, and alsoe noe Letters or warrants which are prepared in pursuance of any of the said Orders or Votes of the Councell are to be offred to bee signed untill they shall have beene read & approved of at the Councell.

<sup>114</sup> *C. J.*, vii. 345.

<sup>115</sup> *S. P. D.*, Interregnum, I 64, 27 February 1649-50.

<sup>116</sup> *Ibid.*, I 71, 28 September 1653.