

CHAPTER XI

WORK OF THE COMMONWEALTH COUNCILS OF STATE

THE work of the councils of state, like that of the privy council before the civil wars, was of such magnitude and variety as to make difficult any description that would bring it back to the understanding. Perhaps this can best be attained by detailing what was done at particular meetings of the council, and then by stating in artificial categories what was generally or for the most part transacted.

At a meeting of the first council of state, 22 February 1649, at which Cromwell and nine others were present, it was arranged that the chairman should sign letters and warrants passed by the council; that warrants should be issued for certain things desired by the Dutch ambassador; suggest to parliament that certain statues, pictures, and the public library be given into charge of the council to be disposed of for the public use; report to the house, in respect of a copy of a certificate from the commissioners of the navy concerning timber in Eltham Park, that the council found nothing in its instructions about disposing of timber, and desired the parliament to bestow power somewhere for restraining waste "upon the Lands belonging to the Republique"; suggestion of an ensign for the ships in the state's service also for carving on the sterns; reference of a matter to the commissioners of the navy, desiring speedy report thereon; appointment of a committee of four to examine certain persons in the next room; appointment of Walter Frost, jr., as assistant to his father—the secretary of the council; an order that both the secretary and his assistant should promise to

reveal nothing without special leave; a letter to the lord general asking for an account of the army, garrisons, stores, artillery, magazines; an order that £ 200 be paid out of the public revenue to the secretary, for making despatches and sending messengers, and that a "Comand" be given to the treasurer of the revenue for this sum; order to the commissioners of the navy that they send the council account of the number of ships in readiness with the whereabouts of such ships; report to the house that the ordinance for putting the admiralty into commission should be speedily despatched; special recommendation to the navy commissioners that they give all possible consideration to Captain Haddock's desires.¹

At the first meeting of the sixth council of state, 29 April 1653, the lord general and seven others present, it was ordered that the commissioners for inspecting the treasuries be desired to give the council a statement about the several treasuries, some time next day, if possible, but not later than the next Monday; that a report be given to the council about all business relating either to Ireland or to Scotland, that had been before the committee for Irish and Scottish affairs of the council preceding; that Mr. Thurloe prepare and present to the council a report about the state of his office, what persons were employed there, and the whole charge; for the afternoon meeting first business to be the reading of Colonel Lilburne's letter, then the letter from the states general to be considered. That afternoon the lord general and eight other councillors met. It was ordered that £ 10,000 worth of provisions be sent to Scotland, customs free, for the army, a warrant for this to be issued; a convoy to be appointed for provisions bound for Scotland, or the contractors to be relieved of liability if no convoy was furnished; debate

¹ S. P. D., Interregnum, I 62, 22 February 1648-9.

concerning the Dutch letters to be resumed the following Monday afternoon; that the judges of the admiralty and another attend the council next morning; that the commissioners for inspecting the treasuries come to the same council meeting; that a committee appointed to investigate alleged abuses at Ely House report without delay to the council; that the committee investigating the office of the inland post make its report to the council.²

Generally speaking the council of state dealt with matters referred to it by parliament; it carried out the orders of parliament; it conferred with the various committees of parliament; and to parliament it made numerous recommendations and reports. It attended to much business connected with taxation and finance, and with the administration of the army and the navy. It was busied with many matters that concerned local affairs and a smaller number connected with the plantations, Ireland and Scotland. It considered foreign intelligence and reports, and attempted to carry on intercourse with governments abroad. It sent communications and orders to local officials. It considered petitions, granted passes, and issued numerous warrants for executing orders and for payment of money. In accordance with a custom that had grown during the Stuart period, and that would be much more evident in the future, a great deal of the work of the council of state was done with the assistance of committees or parts of itself. There were at this time a committee for the army, a committee on admiralty affairs, a committee for foreign affairs, besides many others, while the committee of the whole council was developing clearly. A great part of all the activities of the members of the councils of state was exerted in committees rather than in council.

² *Ibid.*, I 69, 29 April 1653.

During this period, as during the earlier time of the struggle with Charles I, the government of England was vested in parliament, which strove to carry on or control all branches of administration either in the whole body of parliament or else through parliamentary committees, these "committees" being sometimes in fact boards or groups that included members not of either house. Numerous committees of this kind had been founded before the fall of the king; some of them and others now continued to function; and some continued after the commonwealth came to an end. There was the committee for the advance of money (1642-55), to obtain revenue; the sequestration committee, having under it committees appointed by parliament in each county, to seize the estates of supporters of the crown—this committee was not successful in its labors and was followed by the committee for compounding (1644-57), which dealt directly and more successfully with opponents or delinquents; the committee for plundered ministers (1645-53); the committee of indemnity (1649-56), to indemnify those who had acted for parliament, and to seize goods and property for parliament's service; the committee of trustees for the sale of fee-farm or crown lands (1650-60); the army committee; the navy committee; the mint committee; the revenue committee; the foreign committee; the committee for receiving the accounts of the kingdom; and others.⁵ Preeminent over them all was a more important body: in the earlier part of this period the committee of both houses or the committee of both kingdoms; in the later portion, the successive councils of state, all of which were virtually committees of the parliament also. This was well understood then with respect to the council of state.

The council was subject to parliament, dependent upon parliament, assistant to it. With parliament the greater

⁵ M. A. E. Green, *Cal. S. P. D., 1649-1650*, preface, pp. vii-xxxiv.

part of its business was always conducted. The members styled themselves "The Councill of State appointed by Authority of Parliament." ⁴ Parliament was now addressed with all the deference that the privy council had once expressed towards the king. In 1653 the council ordered that parliament be humbly moved that two troops of dragoons might be added to the establishment of Scotland, Sir Charles Wolseley being desired humbly to move parliament therein. ⁵ A great part of the business of the council consisted of things that parliament referred to it. Councillors dealt with this business, and reported back recommendations upon it and upon other matters of their own suggestion. The councillors were almost all of them members of parliament, in which, outside of their council activities, they were also active. Sometimes non-council members of parliament came to the council. In February 1650 it was ordered that when any members of parliament came to the council chairs should be placed for their use, and they be desired to sit down. ⁶ Through the clerk of parliament the council was informed of such parliamentary business as concerned it. At the beginning of its work the first council of state arranged "That an order bee sent to M^r Scobell Clerke of the Parliam^t to send this Councill every day of Course all such Orders as shall passe the said House w^{ch} referre any thing to the Consideraçon & Care of the Councill of State." ⁷ Shortly after parliament ordered: "That the Clerk of this House do, upon the Rising of this House, daily send to the Council of State such Orders of this House as concern them." ⁸

In all work done by the two bodies together the council of state usually took the more active if not the more

⁴ S. P. D., Interregnum, I 68, 14 January 1652-3.

⁵ *Ibid.*, I 72, 1 December 1653.

⁶ *Ibid.*, I 64, 27 February 1649-50.

⁷ *Ibid.*, I 62, 27 February 1648-9.

⁸ *C. J.*, vi. 161.

formally authoritative part. During 1649, for example, the book of the council of state is much larger than the record of parliament;⁹ and during that year the council attended to much more business than parliament dealt with. For the most part parliament referred matters to the council; all execution was referred to the council; correspondence and other papers were generally given over to be prepared by the council. Such also was the case during 1650.¹⁰ And such was the case in other years later, so that some students have declared that the record of these times must be sought in the books of the council of state rather than in parliament's journals.

Matters were constantly referred or committed to the council of state. In March 1649 it was ordered by the commons assembled in parliament that the council consider what forces were in England and Wales, what proportion of them ought to be maintained in England, what part should be sent to Scotland, how they might be paid and supplied. Thereupon a committee of nine, including Cromwell, was appointed to consider this order of parliament next day. The committee quickly reported. Within three days the council itself was ready to report to the house that it considered a force of 44,373 horse and foot to be necessary, of which 12,000 should be sent to Ireland, that for maintenance a sum of £ 120,000 per month would be needed, and it suggested how the money might be raised.¹¹ Shortly afterwards parliament ordered reference to the council of the question what suitable rewards should be given to the officers when they came home, not exceeding the proportions contained in a parliamentary report.¹²

⁹ S. P. D., Interregnum, I 62, I 87.

¹⁰ *Ibid.*, I 62, I 63, I 64, I 65, I 88.

¹¹ *Ibid.*, I 87, 2 March 1648-9; I 62, 2, 5 March 1648-9.

¹² *Ibid.*, I 87, 25 March 1649.

About the same time a scandalous and seditious book, *The Second Part of Englands New Chains Discovered*, being read in parliament, the house declared it very seditious, the authors guilty of high treason, and that proceedings should accordingly be started. It was then ordered that the matter be referred to the council of state to proclaim this declaration in all proper places, find out the authors and the printers, and proceed as might appear fitting, the general to ascertain whether any of the contrivers were of the army, deal with such of them as mutineers, then report to parliament without delay.¹³ On another occasion parliament resolved that a sufficient number of ships should be constantly employed off the Irish coasts, referring to the council and to the admirals aboard to see to it that this was done.¹⁴ Shortly after the commons called for a report from the council of state about Colonel Lilburne and others.¹⁵ At another time parliament ordered the council to cause the demolition of Belvoir Castle, giving satisfaction therefor to the earl of Rutland not exceeding £ 1500.¹⁶

In September 1649 parliament ordered the removal of the imposition of four shillings the chaldron of coals taken at Newcastle. The council of state at once sent a letter to the governor and the mayor of Newcastle giving notice that parliament had removed this duty.¹⁷ In April 1650 a letter from Edinburgh was read in parliament and then reference ordered to the council of state: "and that they be required by all wayes and meanes that they shall thinke fitt to prevent all invasions from abroad and to preserve the peace of this Nation from all tumults & Insurrections

¹³ *Ibid.*, 27 March 1649.

¹⁴ *Ibid.*, 11 April 1649.

¹⁵ *Ibid.*, 8 May 1649.

¹⁷ *Ibid.*, I 63, 11 September 1649.

¹⁶ *Ibid.*, 10 April 1649.

whatsoever.”¹⁸ A little later a report from the parliamentary committee of the army was presented to the house, which then ordered that it be referred to the council of state and the army committee, who should presently give to parliament their opinions thereon.¹⁹ Within a week the house resolved that additional forces should be raised, to be paid by the committee of the army in accordance with notice from the council of state.²⁰ In June a letter from the ambassador at the Hague was read and also a letter and some papers from the parliamentary agent in Lisbon; referred to the council of state.²¹ Shortly after: “Resolved by the Parliament That Com^{rs} be sent into Ireland to take care of affaires there, to act according to such Instructions as shall be given them by the Parliament.”²² In January 1651 a letter from the lord general at Edinburgh was read in parliament, which at once referred it to the council of state for consideration and report about what should be done.²³

A great variety of business was commended to the council. In February 1651 parliament referred to it the disposing of Worcester House for the best interest of the public service.²⁴ Two days later: “Ordered by the Parliament That the Councill of State doe prepare and bring in a moddell for regulateing the Offices of the Navie and Customes, as to the Officers of the Ordnance and Armoury and Stores with all convenient speed.”²⁵ In July 1651 parliament referred it to the council to give power and instructions for preserving the peace of the commonwealth and preventing all tumults, insurrections, and invasions, to persons in the counties in England and Wales who seemed fitted for the task.²⁶ A month later the council

¹⁸ S. P. D., Interregnum, I 88, 9 April 1650.

¹⁹ *Ibid.*, 2 May 1650.

²⁰ *Ibid.*, 7 May 1650.

²¹ *Ibid.*, 4 June 1650.

²² *Ibid.*, 2 July 1650

²³ *Ibid.*, 7 January 1650-1.

²⁴ *Ibid.*, 11 February 1650-1.

²⁵ *Ibid.*, 13 February 1650-1.

²⁶ *Ibid.*, I 89, 1 July 1651.

was ordered by parliament to report the names of those to be excepted from pardon in the "qualification" for Ireland.²⁷ In June 1652 the council made ready to consider parliament's order about retrenchment of public expenses.²⁸ In July 1653 the new parliament, evidently looking upon the council as its helper in preparing parliamentary business and decisions, ordered, "That the Councill of State doe certifie to the Committee of this House appointed to consider of the businesse touching the Treasuries, what Committees the Councill have heretofore appointed to prepare some things for the ease of the House, and dispatch of the publike businesses, and the Committee have power to receive an accompt from those Com^{ttees} of their proceedings therein."²⁹ Shortly after parliament decided to establish a high court of justice for trial of offenders against the commonwealth; the council of state to bring in an act for this, with the names of the commissioners to be appointed.³⁰

The council of state as constantly delivered to parliament its opinions or decisions concerning matters referred to it as well as recommendations of its own. In 1649: "That the proposalls from the Lord Generall & the Councill of Warre concerning the service for Ireland be reported to the House wth the opinion of this Councill for their Confirmation thereof."³¹ On another occasion the council determined that the house should be informed that Sir John Winter was at hand, and that in the members' opinion he was a dangerous person.³² Hereupon the house resolved that the council should order his arrest and proceed against him according to law and the former resolutions of the house.³³ At another time the council

²⁷ *Ibid.*, 13 August 1651.

²⁸ *Ibid.*, I 67, 3 June 1652.

²⁹ *Ibid.*, I 90, 16 July 1653.

³⁰ *Ibid.*, 10 August 1653.

³¹ *Ibid.*, I 62, 10 April 1649.

³² *Ibid.*, I 63, 30 August 1649.

³³ *Ibid.*, I 87, 31 August 1649.

reported to the house it would be well for direction to be given to the trustees for the sale of the late king's goods bidding them deliver the white plate to the mint for coining. Parliament gave such an order next day.³⁴ In 1650, after several complaints about the management of a hospital, the council made an investigation and sent in to parliament a report.³⁵

In May 1650 the council of state advised parliament it was necessary for the better security of parliament and council, that Colonel Barkstead's regiment should be recruited to two thousand men, and the house was asked to consider how money might be raised for paying the recruits.³⁶ In June the council took part in the appointment of officials to serve the commonwealth when it moved parliament to name as commissioners for the administration of Ireland Cromwell, Ireton, Ludlow, and two others.³⁷ In July it reported to parliament its opinion that the presence of the late king's children might be dangerous to the public weal; parliament at once resolved that they should be sent beyond the seas, leaving it to the council to decide on the place and on the manner of transferring them thither.³⁸ In 1651 the council advised parliament to send one or more ambassadors to Spain.³⁹ Next year through a committee it prepared a bill about printing unlicensed and scandalous books, then asked parliament to consider the bill.⁴⁰ In November Sir Henry Vane was ordered to present to parliament an estimate of the charge of the land and the sea forces in service.⁴¹

³⁴ S. P. D., Interregnum, I 63, 25 September 1649; I 87, 26 September, 1649.

³⁵ *Ibid.*, I 64, 16 April 1650.

³⁶ *Ibid.*, 11 May 1650. ³⁷ *The Memoirs of Edmund Ludlow*, i. 249.

³⁸ S. P. D., Interregnum, I 88, 24, 30 July 1650.

³⁹ *Ibid.*, I 65, 24 February 1650-1.

⁴⁰ *Ibid.*, I 66, 5 March 1651-2, 2 April 1652; I 67, 11, 13 May, 18 October 1652.

⁴¹ *Ibid.*, I 35, 26 November 1652.

In 1653 the council considered the appointment of a commander-in-chief in Scotland.⁴² The making of appointments was with the parliament's consent. In July Colonel Sydenham presented from the council of state the names of two persons proposed to be judges of the admiralty: "Resolved That it be referred back to the Councill of State and that they report it tomorrow morning."⁴³ In December the council humbly moved parliament to appoint Major General Desborough and Vice Admiral Penn to be two of the generals of the fleet, to be joined in commission with General Blake and General Monk.⁴⁴ On one occasion the council asked parliament speedily to provide out of such treasury as they should think fit £ 10,000 for the council's use in some matters of pressing need. At once parliament resolved that the sum should be charged upon Goldsmith's Hall to be paid to such persons as the council should appoint.⁴⁵

As in former times the privy council, working with the king, had taken considerable part in legislation—examining the terms of bills before they were passed, or drafting bills which it was desired parliament should pass—so now did the council of state. And because the council of state, virtually a committee of the parliament, was closer to parliament than the king's privy council had been, so it took greater part in making the ordinances that were now passed. It drew up bills to be passed, and revised or considered bills commended to its attention.

In August 1649 parliament referred it to the council of state to consider the most convenient way for the future of sending about the acts and declarations or or-

⁴² *Ibid.*, I 41, 7 April 1653.

⁴³ *Ibid.*, I 90, 22 July 1653.

⁴⁴ *Ibid.*, I 72, 2 December 1653.

⁴⁵ *Ibid.*, I 90, 1 October 1653.

ders of parliament into the several counties.⁴⁶ In November the council had ready to be reported to parliament the draft of a bill for communicating the commands of parliament and of the council to all the counties in pursuance of parliament's order.⁴⁷ Shortly after there was reported in parliament from the council the draft of a bill empowering the council to administer an oath to the jury for making two standard pieces of gold and silver.⁴⁸ In December 1651 was brought into the council and read a bill for removing obstructions in the sale of fee-farm rents. It was referred to several of the members to make such amendments as they thought fit.⁴⁹ In 1652 parliament ordered "That the Act for Printing be reported to the Councell to morrow in the afternoone."⁵⁰ At a meeting of the council in January 1653 it was ordered: "That the Lord Com^r Whitelock and Lord Com^r Lisle bee desired to hasten to the Parlam^t the report of an Act for settling the Trinity house."⁵¹ Next day a time was appointed for reading the drafts of several bills that were to be reported to parliament later on.⁵²

The old orders or declarations of the privy council had been issued with the king's sanction. Declarations of the council of state were issued on the order or with the sanction of the house:

The Parliament having lately entrusted this Councell to take Care that the good people of England Scotland & Ireland be protected in their peaceable Assemblyes for the Worship of God; Not intending thereby any sufferance, protection or Countenance to any popish or Idolatrous worship. It is hereby declared in pursuance of the said Trust that this Councell will

⁴⁶ *C. J.*, vi. 280.

⁴⁷ *S. P. D.*, Interregnum, I 63, 8 November 1649.

⁴⁸ *C. J.*, vi. 323.

⁴⁹ *S. P. D.*, Interregnum, I 66, 29 December 1651.

⁵⁰ *Ibid.*, I 67, 11 May 1652.

⁵¹ *Ibid.*, I 68, 25 January 1652-3.

⁵² *Ibid.*, 26 January 1652-3.

soe protect all the good people of these Nations. And that noe disturbance may be offered to any such, in their peaceable Assemblies for the worship of God, it is expected and required of all Ministers of Justice to proceed against offenders herein, as disturbers of the publiq^u peace, and of all other persons whatsoever to take notice hereof.⁵³

The council of state assisted parliament in the management of taxation, and in procuring and expending the revenue. In 1649 Sir Henry Vane reported in parliament the council's opinion that half of the £ 20,000 fine set upon the counties of South Wales for their delinquency should be used in providing for the fleet; and parliament ordered the committee of the army to issue a warrant for the payment of such a sum for the use of the navy.⁵⁴ Shortly after, the council asked that the treasurer of the army, the commissioners of the excise, the treasurer of the deans and chapter lands, and the treasurers at Goldsmiths' Hall, be asked to confer with a committee of the council about advancing upon the credit of their receipts £ 20,000 that was needed.⁵⁵ The council of state, like the privy council of James I and of Charles I, had often to direct its energies to raising money for government needs. In August 1649 the council ordered a letter written to the lord mayor and the common council of London to make them bring in more quickly the assessments of the last three months, and bid them in the meantime advance weekly the sums charged upon them to prevent free quarter, which would otherwise be taken.⁵⁶ In August a committee was appointed to consider bringing the public revenue and other available moneys into one treasury.⁵⁷

⁵³ *Ibid.*, I 72, 12 November 1653.

⁵⁴ *Ibid.*, i, 30 March 1649.

⁵⁵ *Ibid.*, I 62, 23 July 1649.

⁵⁶ *Ibid.*, 4 August 1649.

⁵⁷ *Ibid.*, 17 August 1649.

In October it was ordered: "That the State of the Treasure and of the next yeares charge w^{ch} was read yesternight be reported to the House by S^r Henry Vane." And "That the Estimate of what hath beene layd out for Ireland be alsoe offered to the House by S^r Henry Vane if it shall be found necessary." A long report and a statement concerning the revenue from the excise and other sources with an estimate for the next year was to be presented.⁵⁸ In 1650 the council ordered the commissioners at Goldsmiths' Hall and both of the treasurers to attend next day. At the same time it dispatched a letter to Alderman Alleyn bidding him have ready all of the sum of £ 50,000 to be provided for the army by the twentieth of the month.⁵⁹

In 1651 it was

Ordered by the Parliament, That it bee referred to the Councill of State to consider what Ammunition and other things are necessary to bee provided for the next Summers Fleet, and what Treasury is open out of which the same may be supplied together with a full and Cleare accompt of the State of the whole Treasury of the Commonwealth, as well for defraying the charge of the Army as Navy and other publique businesse, and to report it to the House on Tuesday next.⁶⁰

About this time the council wrote to the treasurers at war, about some money in their hands lent them formerly by the council: now there was occasion to use it; hence the treasurers were to pay it forthwith to the council's secretary, to be disposed of as the council should direct.⁶¹

There was consideration of general financial policy as well as of financial arrangements and details. In 1652 the council resolved to consider at an early meeting the whole

⁵⁸ S. P. D., Interregnum, I 63, 23 October 1649.

⁵⁹ *Ibid.*, I 64, 15 May 1650.

⁶⁰ *Ibid.*, I 89, 26 February 1650-1.

⁶¹ *Ibid.*, I 96, 8 March 1650-1.

question of keeping money in the realm and of encouraging the importation of bullion, and also a report from the committee of the mint about coinage.⁶² Next year the council referred to a committee of two consideration of the whole state of the excise, the committee to send for and confer with persons thought fit for that purpose, then report what seemed best to be done.⁶³ About the same time the council referred it to a committee not composed of members of the council, "to consider how the Treasuries of this Commonwealth may be managed to the best advantage thereof", then report to the council of state.⁶⁴ Each of the various councils of state that held for a short time during this period seems to have thought necessary a general consideration of financial policy and finance. In October the last council resolved that parliament should be humbly moved to appoint a committee to examine the present state of the receipt of the public revenue, and give particular directions for management of it as parliament should think fit.⁶⁵

Parliament strove to hold the council of state strictly accountable with respect to all expenditures of public money. Among the instructions given to the seventh council: ⁶⁶

You are to cause all warrants whereby you charge the Treasure of this commonwealth upon the respective Treasuries thereof in pursuance of the Instructions already given you or to be given by Parliament to be fairly ingrossed in a booke which book together with an abstract of the heads of the disbursements made by vertue of such warrants, you are to deliver into the

⁶² *Ibid.*, I 67, 12 May 1652.

⁶³ *Ibid.*, xxxvi, 4 May 1653.

⁶⁴ *Ibid.*, I 69, 14 May 1653.

⁶⁵ *Ibid.*, I 71, 7 October 1653.

⁶⁶ *Ibid.*, I 90, 9 July 1653.

Parlament upon the first day of December one thousand six hundred fiftie and three, and as to that head of disbursements which concerne incidents for the managing of intelligence; You are to cause the same to be stated in the grosse summe to bee allowed by your selves for the full discharge thereof unto all persons concerned in the issueing or receiving the same, And all warrants granted by you for the issueing of moneis or imprisonment of any person in pursuance of your Instructions shall bee signed by the hands of five or more of you.

The council, as the principal executive and administrative body, took much part in the management of all matters relating to the army and to the navy, though such matters were not only supervised by parliament but by parliament committees. In August 1649 the council, removing secrecy preserved theretofore, resolved to report to parliament a narrative of the treaty made by one of the commanders, Colonel Monk, in Ireland, and ordered him to prepare for the council an account of why he had made the convention, and then appear before parliament. It resolved that the treaty was wholly against the judgment of the council, and that this should be made known to Colonel Monk.⁶⁷ On the same day the council requested the lord general to order that the soldiers in Kent "may use all Civilityes & pay Quarters being there quartered in Inns and Alehouses."⁶⁸ Shortly after the council sent a letter to Cromwell to inform him of what they knew about trouble at Oxford, enclosing a letter, and asking him to give special care to the matter.⁶⁹ Sometimes the council endeavored to deal with political elements in the situation, as when it appointed a com-

⁶⁷ S. P. D., Interregnum, I 62, 6 August 1649.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*, I 63, 8 September 1649.

mittee to draw up a declaration to the soldiery affirming their danger in suffering themselves to be misled and drawn into engagements against parliament.⁷⁰

Both because of Cromwell's position in the council and because of his great power outside it, the several councils of state were much in communication with him. In February 1650 the council ordered a letter to the lord general, desiring to speak with him about business of concernment the next afternoon. Apparently, he was not present next day.⁷¹ The council took care to address him with deference and care.

That a letter be written to the Lord Generall to lett his Lordship know that if he hath occasion to draw the Troup which is at present in the Isle of Wight from thence to any other service, the Councell leaves itt to his Lordship to doe therein as he shall thinke fitt in case some other troupe bee provided to supply the duty of that which is to come away from thence.⁷²

In 1652 the council wrote asking him to order one or two troops of horse, as he might think well, to be sent at once to the Isle of Wight, to stay there while the Dutch fleet remained off the coast.⁷³

During the military operations of 1650 and 1651 there was great activity in the council of state. Numerous detailed orders were issued for providing arms and for disposing and moving troops. In July 1650 the councillors reported to parliament that they had assembled an army and ordered it to march northward, since they could prevent an invasion of England only by sending an army into Scotland; that they had prepared a declaration, of which a draft would be reported to parliament shortly; that three thousand trench tents ought to be sent to

⁷⁰ *Ibid.*

⁷¹ *Ibid.*, I 64, 19 February 1649-50.

⁷² *Ibid.*, 14 March 1649-50.

⁷³ *Ibid.*, I 68, 11 December 1652.

Berwick immediately for the army's use; that ministers should be appointed to go with the marching army; that magazines of wheat and of oats should be provided at Berwick and at Newcastle at once; that a commissary for victuals should be appointed for the marching army; together with many other recommendations.⁷⁴ A little later the council reported that the cannon were now ready to be sent by sea to the army.⁷⁵

When Charles II and the Scots invaded England during the campaign that culminated in the Battle of Worcester, there was great activity in the council of state: numerous commands, directions, orders, for providing troops and arms and other things.⁷⁶ At the same time such lesser things as the defence of the Tower were considered.⁷⁷ One of the members has testified concerning the work of the council at this time:⁷⁸

The Council of State, during this action, had almost hourly Messengers going out and returning from the several Forces, carrying advice and directions to them, and bringing to the Council an account of their motions and designs, and of the Enemies motions.

It could hardly be that any affair of this nature could be managed with more Diligence, Courage, and Prudence, than this was, nor peradventure was there ever so great a Body of men so well Armed, and Provided, got together in so short a time, as were now raised, and sent away, to joyn with the rest of the Forces attending the King.

There was as constant activity and interest in respect of naval affairs. During this time there was a navy com-

⁷⁴ S. P. D., Interregnum, I 64, 20 July 1650.

⁷⁵ *Ibid.*, I 9, 15 August 1650.

⁷⁶ *Ibid.*, I 21, 12, 13, 14, 15, 16, 18 August 1651, and *passim*.

⁷⁷ *Ibid.*, xvi, 16 August 1651.

⁷⁸ Whitelock, *Memorials*, p. 477.

mittee of parliament, and parliament also concerned itself with the navy. In February 1649 the office of lord admiral was taken from the earl of Warwick, and parliament resolved "That the power of the Admiraltie be settled in the Counsell of State."⁷⁹ The council now commended naval affairs mostly to a standing committee of the council for naval affairs.⁸⁰ And to a considerable extent it is in the work of this committee that naval matters for this time must be studied. In February also Colonels Popham, Deane, and Blake were made admirals and generals of the fleet, or "Com^{rs} for ordring & Comanding of the Fleete."⁸¹

The council constantly conferred with the commissioners of the fleet or directed communications to them, referred matters to the admiralty committee, gave numerous orders and directions, and made recommendations or reports to parliament. In March 1649 the commissioners of the navy were asked to appear before the council on the following Monday morning, to confer about particular matters.⁸² In July the council wrote to Colonel Popham directing him to send to Milford Haven the ships that were then in the Downs.⁸³ Shortly after it was giving directions to prepare gunners' stores and other requisites for furnishing ships for the commonwealth's service.⁸⁴ From the admirals or commissioners aboard their ships the council had letters and reports. On one occasion Colonel Blake wrote from his ship in Plymouth Sound, his letter being referred at once to the admiralty committee of the council.⁸⁵

⁷⁹ S. P. D., Interregnum, I 87, 22 February 1648-9.

⁸⁰ M. A. E. Green, *Cal. S. P. D., 1649-1650*, preface, pp. xxi-xxiii.

⁸¹ S. P. D., Interregnum, I 123, 24 February 1648-9.

⁸² *Ibid.*, I 62, 10 March 1648-9.

⁸³ *Ibid.*, 23 July 1649.

⁸⁴ *Ibid.*, I 123, 17 August 1649.

⁸⁵ *Ibid.*, I 20, 30 June 1651.

The council undertook to supervise or assist the commissioners, the victualler, and others in furnishing ships and keeping them supplied. In 1652 the council ordered "That the Committee of the Admiraltye doe give an Account once a day to the Councell of the State of the Victuallinge of the Fleete."⁸⁶ In September the navy victuallers were ordered to provide provisions for 16,000 men for the next summer's guard.⁸⁷ In December the council desired the commissioners and the victuallers to attend.⁸⁸ In 1653 it was ordered "That the Councell doe take into Consideraçon tomorrow in the afternoone by what wayes and meanes the fleet of this Coñonwealth may be furnished with Seamen."⁸⁹

The council directed the movements of ships and conferred with the principal commanders. In June 1652 they ordered the "Ship Gray Hound" to return to the Downs and receive General Blake's directions.⁹⁰ About this very time secret instructions went from the council of state to Blake. The council declared that it had considered putting the fleet into a posture suitable for the present state of affairs, and so had thought well to dispatch additional instructions. The commander would receive them by Colonel Thompson, who came to confer with him about speedy and effectual execution of instructions, after which the messengers would return and report either to the council or to parliament.⁹¹ In May 1653 the council sent a letter to the generals of the fleet.⁹² In the autumn the council was debating dispatch of an expedition to the East Indies.⁹³

Various matters were dealt with. In 1651, the fourth council of state had hardly begun to sit when it resolved

⁸⁶ S. P. D., Interregnum, I 67, 22 May 1652.

⁸⁷ *Ibid.*, I 33, 17 September 1652.

⁸⁸ *Ibid.*, I 68, 2 December 1652.

⁸⁹ *Ibid.*, I 67, 7 June 1652.

⁹⁰ *Ibid.*, I 69, 11 May 1653.

⁹¹ *Ibid.*, I 71, 13 October 1653.

⁹² *Ibid.*, xxiv, 10 June 1652.

⁹³ *Ibid.*, I 70, 13 September 1653.

to ask parliament to settle admiralty administration, since many urgent affairs required that something should be done soon therein.⁹⁴ Shortly afterward the council issued a warrant to the admiralty judges for granting to a certain one a letter of marque.⁹⁵ On another occasion it arranged for examination of a pirate.⁹⁶ At another time it ordered the commissioners of the navy to pay a certain one a sum of money.⁹⁷

As the privy council had done, so did the councils of state deal with numerous local affairs. Many communications and directions were transmitted to local officials, who in turn sent the council complaints or reports. In 1649 the council of state, still meeting at Derby House, informed the commissioners of the customs that because of maladministration by customs officials great quantities of corn had been exported to the rebels in Ireland; let this be looked into; let no corn be exported without license of parliament or of the council of state.⁹⁸ In June the council wrote to the sheriff and the justices of peace of Staffordshire that much false coin had been made in their county; let them try to arrest and prosecute the offenders.⁹⁹ Almost at the same time it directed the bailiffs of Great Yarmouth to remove certain pirates to Norwich Castle.¹⁰⁰ In August it bade the committee of Hants see to it that so much of the castle of Winchester was demolished as an engineer might declare necessary to make it untenable; let this be done within a month; and let account be sent to the council.¹⁰¹ A month later Colonel Temple was ordered to cause the demolition of a bridge belonging to the tav-

⁹⁴ *Ibid.*, I 66, 3 December 1651.

⁹⁵ *Ibid.*, 25 December 1651.

⁹⁷ *Ibid.*, xxxii, 18 January 1652-3.

⁹⁸ *Ibid.*, I 94, 12 March 1648-9.

⁹⁹ *Ibid.*, 16 June 1649.

¹⁰¹ *Ibid.*, I 63, 24 August 1649.

⁹⁶ *Ibid.*, I 67, 19 May 1652.

¹⁰⁰ *Ibid.*, I 123, 21 June 1649.

ern of a certain one in Gravesend, and also to suppress the tavern.¹⁰² In October 1651 the council of state learning that a certain Peter Cole had a copy of a sermon that would, if printed, be advantageous to the state, but which he would neither print himself nor give to those who would, ordered the committee for examinations to send for him and examine him about why he held back this sermon.¹⁰³ In May 1653 the council resolved that the carrying of all inland letters, public as well as private, should be managed by such and such only, as the state or others authorized by the state should appoint.¹⁰⁴ In November the council recommended to the justices of the peace for Southwark the condition of Jane Cox, a widow; that they consider at their next monthly meeting or quarter session assisting her as an object of charity.¹⁰⁵

In doing its work the council of state received many petitions, and it issued a great number of warrants, orders, directions, and passes. As had formerly been the case with petitions to the king, the council was given petitions sent in to parliament; and it referred to parliament petitions directed to itself. In July 1649 the council of state replied to Sir Francis Willoughby that the council was not competent to act in respect of his petition, but a week later it decided to commend to parliament his request that something might be done for his just relief.¹⁰⁶ In August 1653 a petition from divers well affected persons of Jersey was reported in parliament. The house ordered it referred to the council of state, to consider and report what was fit to be done.¹⁰⁷

Apparently there were not so many petitions as had been sent to the king and to the privy council. As time

¹⁰² S. P. D., Interregnum, I 63, 13 September 1649.

¹⁰³ *Ibid.*, I 23, 27 October 1651.

¹⁰⁴ *Ibid.*, I 69, 7 May 1653.

¹⁰⁵ *Ibid.*, I 62, 13, 19 July 1649.

¹⁰⁶ *Ibid.*, I 72, 18 November 1653.

¹⁰⁷ *Ibid.*, I 90, 22 August 1653.

went on, however, and perhaps as the work of the council of state was better known and better understood, the number increased. In 1652 the council ordered "That it be returned in answeare to the Petition of Peter Bergen That the matter of his Petition is not cognoscible before the Councell, but that the Lawe is open by w^{ch} he may seeke his Remedye."¹⁰⁸ In December the council made the rule "That all petitions for private men of Warre bee read publiquely at the Councell."¹⁰⁹ A few months later was made the regulation that all petitions presented to the council should be delivered to the council's secretary, and by him be brought before the council.¹¹⁰ In most cases they were referred for consideration to committees of the council. It was doubtless a sign of the enlarging amount of this business that in October 1653 the council ordained that no petition might be brought before the council to be read unless first approved by a committee of the council, to consist of any three or more of the members—an early example of the committee of the whole council—such committee meeting first in the council chamber, before the assembling of a quorum of the council, to read all petitions addressed to the council, laying aside what they judged not worthy or proper, and presenting with their opinions those found fit for the council's attention, the lord president to have care that no member infringed this order.¹¹¹ A large part of all of the labor of the last council of state was concerned with petitions.¹¹²

The council of state, like the privy council, issued passes to those allowed to leave England. In August 1649 it ordered that a pass be granted to a certain William Pike

¹⁰⁸ *Ibid.*, I 67, 4 June 1652.

¹⁰⁹ *Ibid.*, I 68, 3 December 1652.

¹¹⁰ *Ibid.*, I 69, 13 May 1653.

¹¹¹ *Ibid.*, I 71, 14 October 1653.

¹¹² *Ibid.*, I 72, November and December 1653.

to go into France.¹¹³ Somewhat later one was ordered for Mr. William Hicks to travel into parts beyond the seas.¹¹⁴ In 1653 the lord general was authorized to give a pass to a certain one to go into the Low Countries.¹¹⁵ On the other hand the council caused persons to be sent out of the realm. In 1652: "The Councell being acquainted that the Lady of Ormond was come over into England doe thereupon thinke fitt and order That the said Lady Ormond doe depart out of the Territories of this Comonwealth within the Space of tenn dayes."¹¹⁶

A great variety of warrants and orders was issued. In April 1649 the council commanded Major General Lambert to send a strong convoy to Lancaster Castle to bring two prisoners to Pontefract, and proceed to a speedy trial.¹¹⁷ That year the council ordered £ 1000 to be paid to an inhabitant of Bristol, and that £ 10 should be paid to another who had brought news of the capture of certain malcontents.¹¹⁸ On another occasion it directed some of the judges who were out of town to attend to the service of the commonwealth by trying in accordance with a recent act of parliament certain prominent offenders.¹¹⁹

Warrants were constantly issued. At a meeting of the council in 1650; a warrant to apprehend five persons for holding correspondence with the enemy; a warrant to the marshal of the admiralty to stay the bark *Odie* bound for Colchester; a warrant to the captains of the forts at Gravesend and Tilbury to assist in executing these warrants; a warrant to arrest alleged coiners and take them before the nearest justice of the peace; another to the ordnance officers at the Tower, to bargain with certain

¹¹³ S. P. D., Interregnum, I 63, 20 August 1649.

¹¹⁴ *Ibid.*, I 65, 24 February 1650-1.

¹¹⁵ *Ibid.*, I 71, 4 October 1653.

¹¹⁷ *Ibid.*, I 94, 10 April 1649

¹¹⁹ *Ibid.*, I 63, 19 September 1649.

¹¹⁶ *Ibid.*, I 67, 25 May 1652.

¹¹⁸ *Ibid.*, I 62, 5 May 1649.

ones about making some damaged gunpowder serviceable for the state, or exchanging it at suitable rates.¹²⁰

Some of the orders of the council had to do with putting in prison or releasing therefrom, for the council of state, like the privy council before, had the power to order arrest and to commit to custody. In August 1649, at a council of twelve, it was ordered that three officers be committed prisoners to Newgate for levying war against the commonwealth of England.¹²¹ In January 1653 five members of the council signed a warrant: ¹²²

These are to will and require you herewith to receive into your Custodie the body of Captaine Zachary Browne and him you shall safely keep prisoner in your prison of the Fleet in Order to his tryall for his deserting of the Ship Hercules employed in the service of the State.

In September the council ordered to be issued a warrant for arresting certain ones and bringing them before the council to answer about matters to which objection might be made on the commonwealth's behalf.¹²³

On occasion prisoners were released. In 1652 the council ordered that Richard Joyner, then in the Fleet, should be discharged, upon subscribing the engagement and giving his bond for £ 200 that he would do nothing harmful to the commonwealth.¹²⁴ Not long after an order was issued that Lord Sinclair should be set at liberty for a month.¹²⁵ Sometimes charges against defendants were referred to courts of law. In 1650 the council of state ordered that the articles exhibited at the council against one, Colonel Boothbie, be referred to the judges of the assize to proceed therein according to the law.¹²⁶

¹²⁰ *Ibid.*, 23 January 1649-50.

¹²¹ *Ibid.*, 20 August 1649.

¹²² *Ibid.*, I 68, 3 January 1652-3.

¹²³ *Ibid.*, I 71, 30 September 1653.

¹²⁴ *Ibid.*, I 66, 5 February 1651-2.

¹²⁵ *Ibid.*, I 31, 18 August 1652.

¹²⁶ *Ibid.*, I 64, 11 March 1649-50.

Like the privy council, the council of state acted in many matters relating to Ireland and the outlying dominions and plantations, while it dealt also with many things that had to do with Scotland. Shortly after it began its work the first council of state determined that Mondays and Fridays should be the days appointed for considering affairs of Ireland.¹²⁷ In 1652 Colonel Mayo obtained permission to transport from Ireland, for the service of the king of Spain, three thousand of such Irishmen as had been in arms against parliament, provided he gave security, approved by the committee appointed to dispose of Irish soldiers, that none of them would return to Ireland or any of the territories of the commonwealth, or be used to the prejudice thereof.¹²⁸ In September 1651 parliament referred it to the council of state to consider of fit persons to be sent into Scotland as commissioners, the proper number, and instructions to be given them for managing civil government and settling affairs there for the commonwealth's best advantage.¹²⁹ The council dealt with numerous things relating to the plantations, especially Virginia.¹³⁰ It referred many plantation matters to the council of trade, and then heard the council's reports.¹³¹ In November 1653 the council gave order, at a time when there was no committee for trade or for plantations, that the council's committee for Irish and Scottish affairs should receive the account of the governor of Newfoundland, examine it, and report upon it to the council.¹³²

Like the privy council under the king, the council of state dealt with foreign relations and diplomacy, but since it went far to take the place of both king and council in

¹²⁷ S. P. D., Interregnum, I 62, 27 February 1648-9.

¹²⁸ *Ibid.*, I 30, 8 July 1652.

¹²⁹ *Ibid.*, I 89, 26 September 1651.

¹³⁰ For example, *ibid.*, I 64, 26 February 1649-50; I 67, 12 May 1652.

¹³¹ *Ibid.*, I 11, 7 October 1650; xvi. 138.

¹³² *Ibid.*, I 72, 30 November 1653.

former times, it had much more to do with foreign matters than the privy council had had. As had formerly been the case, much business of this sort was dealt with by the council's committee of foreign affairs, and that can be considered better in another connection. It should be noted, however, that in the time of Charles I such procedure had come about because the king, who jealously guarded conduct of foreign affairs within his own jurisdiction, wished to communicate them generally not to all of his council but to a select group of his favorite and confidential councillors only. Now it resulted from the council itself delegating a portion of its task to a part of itself.

In 1649, shortly after it began work, the first council of state appointed a committee of eight "to Consider of the dignity and precedence this Nation is to hold in their Embassies to other Nations Kingdomes and Republicues, and other fitting formalities in all such addresses." They were to send for papers, and for persons, including John Selden, who might be of assistance.¹³³ A year later, subject to the approval of parliament, was adopted for use in foreign negotiation "Reipublicæ Anglicanæ Ordines" as the form to be subscribed to communications to governments abroad.¹³⁴

As with other kinds of business, so with foreign affairs, parliament also handled many foreign matters, often referring them to the consideration of the council of state for determination or opinion and report. In January 1651 parliament ordered that ambassadors from foreign governments should be admitted to public audience in parliament, that ministers below the quality of ambassadors should have audience of a committee of parliament, and that the late lords' house should be the place where the

¹³³ *Ibid.*, I 62, 23 February 1648-9.

¹³⁴ *Ibid.*, I 63, 26 January 1649-50.

committee's audience should be given.¹³⁵ In the spring parliament referred it to the council to instruct the commonwealth's ambassadors then in Holland to demand of the states general an answer concerning why the fleet under Van Tromp had set forth, and if they found in this any prejudice to the commonwealth to demand that his commission be revoked. Parliament also ordered the council in respect of this matter so to use parliament's ships that the commonwealth should suffer no harm.¹³⁶

The council of state handled a great variety of foreign affairs. In April 1649 it ordered instructions for an answer to the Spanish ambassador about certain Irishmen captured at sea—most of them destined to be transported to the plantations: the council could not admit the ambassador's intervention, "it being (besides other important reasons) a private transaction of a Rebell and agt the honour and Sovereignty of the comon wealth of England."¹³⁷ In December 1651 the council appointed a day for an audience to the lords ambassadors from the states general of the United Provinces.¹³⁸ Two years later it was ordered: "That Audience be given at the Councell to the Deputyes from the Vnited Provinces at 5. of the Clock this afternoone, And S^r Oliuer Fleming M^r of the Ceremonies is to give them notice hereof, and to bring them to audience accordingly."¹³⁹ Shortly after, audience was given to the secretary from Venice.¹⁴⁰ In 1653 the council ordered that a letter from Bremen should be translated into English then brought before the council again.¹⁴¹ On another occasion a day was appointed for debate about business with the Dutch.¹⁴² When Whitelock went as

¹³⁵ S. P. D., Interregnum, I 88, 1 January 1650-1.

¹³⁶ *Ibid.*, I 89, 1 April 1651.

¹³⁷ *Ibid.*, I 62, 17 April 1649.

¹³⁸ *Ibid.*, I 66, 30 December 1651.

¹³⁹ *Ibid.*, I 69, 22 June 1653.

¹⁴⁰ *Ibid.*, I 71, 28 September 1653.

¹⁴¹ *Ibid.*, I 69, 12 May 1651.

¹⁴² *Ibid.*, 20 June 1653.

ambassador extraordinary to Sweden that year it was ordered "That Care be taken by the Councill, that the Lo: Am: Whitelock may be furnished with fforeigne Intelligence in his absence."¹⁴³ Much, however, was referred to the committee for foreign affairs, and as time went on the foreign business before the council was almost entirely referred to this committee. In 1652 a paper from the Spanish ambassador about transporting some Irish foot soldiers was referred to the committee for foreign affairs for speedy report to the council.¹⁴⁴ The like was done with a paper delivered to the council by the minister from France.¹⁴⁵ In September 1653 the council ordered "That the papers given into the Councill this day from the Venetian Secret^{ry} bee referred to the Consideracon of the Comitte for fforreigne Affaires."¹⁴⁶

¹⁴³ *Ibid.*, I 71, 12 October 1653.

¹⁴⁴ *Ibid.*, I 67, 7 June 1652.

¹⁴⁵ *Ibid.*, I 68, 10 January 1652-3.

¹⁴⁶ *Ibid.*, I 71, 29 September 1653.

